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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

HEARINGS

BEFORE THE

**PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE**

EIGHTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

S. Res. 40

PART 1

**OCTOBER 22, NOVEMBER 24, 25, AND
DECEMBER 8, 1953**

Printed for the use of the Committee on Government Operations



**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954**

7726

April 11, 1958
*9335.4A320
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(On October 22, 1953, the Senate Permanent Subcommittee on Investigations held hearings in executive session on Army Signal Corps—Subversion and Espionage. The testimony of Barry S. Bernstein was later made public by the members of the subcommittee and follows below:)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

THURSDAY, OCTOBER 22, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Fort Monmouth, N. J.

The subcommittee met at 11:15 a. m., pursuant to notice, in Building 302, Fort Monmouth, N. J., Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Harold Rainville, administrative assistant to Senator Dirksen; Robert L. Jones, executive assistant to Senator Potter; John Adams, counselor to the Secretary of the Department of the Army; Maj. Gen. Kirk B. Lawton, commanding general, Fort Monmouth.

The CHAIRMAN. Will you stand up, sir, and be sworn?

In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERNSTEIN. I do.

The CHAIRMAN. Mr. Cohn will ask you some questions, Mr. Bernstein. Your full name is what?

TESTIMONY OF BARRY S. BERNSTEIN

Mr. COHN. Now, Mr. Bernstein, where do you live, first of all?

Mr. BERNSTEIN. Long Branch.

Mr. COHN. And where are you employed?

Mr. BERNSTEIN. Evans Signal Laboratory.

Mr. COHN. For how long a period of time have you been employed there?

Mr. BERNSTEIN. Slightly over 12 years.

Mr. COHN. And what is your clearance?

Mr. BERNSTEIN. At the present time, my clearance has been lifted, I suppose.

Mr. COHN. When was your clearance lifted?

Mr. BERNSTEIN. Friday last.

Mr. COHN. Have you been suspended?

Mr. BERNSTEIN. No; I have not been suspended.

Mr. COHN. Your clearance was lifted?

Mr. BERNSTEIN. That is right.

Mr. COHN. Prior to that time, what was your clearance?

Mr. BERNSTEIN. Well, for the year preceding that, a year and a half, I had secret clearance. As far as I know, for a year prior to that, I had secret clearance.

Mr. COHN. Where did you work?

Mr. BERNSTEIN. I worked in the Measurements Section, which is part of the Applied Physics Branch.

Mr. COHN. And who was the head of that Section?

Mr. BERNSTEIN. I was the head of the Section from about August of 1952, I guess.

Mr. COHN. Was there ever any time that you were suspended or brought up on loyalty charges?

Mr. BERNSTEIN. Security charges; yes.

Mr. COHN. When was that?

Mr. BERNSTEIN. It was, I think, in January of 1951.

Mr. COHN. And on what ground were you suspended then?

Mr. BERNSTEIN. The security charges read, "Communist sympathy," essentially.

Mr. COHN. In what respect? Give us just as much detail as you can recall.

Mr. BERNSTEIN. I was supposed to have uttered sentiments that expressed sympathy for communism.

Mr. COHN. What else? Wasn't there something else?

Mr. BERNSTEIN. There were three of them. I can't remember them exactly. There were three statements. I don't remember exactly what the three were.

Mr. COHN. Now, what were those alleged statements?

Mr. BERNSTEIN. I don't think that there was mention made of a particular statement. It was simply said that I had made such statements.

Mr. COHN. Well, weren't you given at any time any further detail as to what those statements were alleged to have been?

Mr. BERNSTEIN. Well, during the course of my hearing, there were a number of things that had come up.

Mr. COHN. Tell us what came up.

Mr. BERNSTEIN. There was a matter of a pamphlet, that I recall.

Mr. COHN. A what?

Mr. BERNSTEIN. A pamphlet.

Mr. COHN. Yes?

Mr. BERNSTEIN. Which was called The Atom and the Brass Hat, I believe.

Mr. COHN. It was entitled what?

Mr. BERNSTEIN. The Atom and the Brass Hat.

Mr. COHN. The Atom and the Brass Hat. By whom was that pamphlet put out?

Mr. BERNSTEIN. I had gotten it from a Friends organization. I don't recall the exact name.

Mr. COHN. From what?

Mr. BERNSTEIN. Friends. Quakers.

Mr. COHN. What was the substance of that pamphlet?

Mr. BERNSTEIN. Essentially it was an argument against universal military conscription.

Mr. COHN. What else?

Mr. BERNSTEIN. There was some mention made of AVC, the American Veterans Committee, of which I was the chairman of the Eastern Monmouth Chapter.

Mr. COHN. And wasn't the allegation that that was under pronounced Communist control at that time?

Mr. BERNSTEIN. I don't think that the allegation was essentially that. I think it was an endeavor to determine whether it was or not.

The CHAIRMAN. Could I interrupt? You had letters of charges served on you?

Mr. BERNSTEIN. That is right.

The CHAIRMAN. And there were three allegations?

Mr. BERNSTEIN. There were three.

The CHAIRMAN. And pardon me if this is a repetition. I was reading a document here while you were testifying.

The first allegation was that you had made statements favorable to communism?

Mr. BERNSTEIN. Sympathetic to communism.

The CHAIRMAN. The second one was that you were an officer of the AVC, and that this particular branch of the AVC was Communist-dominated; is that right?

Mr. BERNSTEIN. I don't believe this was one of the allegations. This came up during the course of the hearing.

The CHAIRMAN. What was the second allegation?

Mr. BERNSTEIN. As I say, there were three of them, and I can't remember them precisely in that order. They all of them seemed to be essentially that—

The CHAIRMAN. This is a pretty important matter. You had these served on you last Friday?

Mr. BERNSTEIN. No, these were previously served on me.

The CHAIRMAN. How long ago?

Mr. BERNSTEIN. In 1951.

The CHAIRMAN. And there were three charges against you?

Mr. BERNSTEIN. Yes.

The CHAIRMAN. And you say you cannot recall the charges?

Mr. BERNSTEIN. I say I cannot recall exactly the particulars.

The CHAIRMAN. Just give them to us generally.

Mr. BERNSTEIN. My feeling is that essentially they all amounted to this allegation that I had pro-Communist sympathy.

The CHAIRMAN. Let us be more specific. This is a very serious charge. The first one was that you made statements on occasion sympathetic to communism. What was the second one? You know what the second one was.

Mr. BERNSTEIN. No; I really don't. I don't remember them in the exact order. I certainly can provide them if you wish.

The CHAIRMAN. What was the third one? Do you know?

Mr. BERNSTEIN. No; I don't.

The CHAIRMAN. No idea?

Mr. BERNSTEIN. Again, I say that the sum and substance of it, my remembrance of it, was that essentially they were all three the one thing.

The CHAIRMAN. How long will it take you to get the charges?

Mr. BERNSTEIN. They are in my home.

The CHAIRMAN. How far is your home from here?

Mr. BERNSTEIN. Oh, no more than 15 minutes.

The CHAIRMAN. I think we want those.

The lieutenant will get you transportation to go over and get them.

Mr. BERNSTEIN. I have my car. I can get them.

Mr. COHN. Could we see that letter, Mr. Bernstein? It will save a little time.

FURTHER TESTIMONY OF BARRY S. BERNSTEIN

Mr. BERNSTEIN. Yes. I have sorted it out. It is on top here.

Mr. COHN. Thank you very much.

Now, Mr. Bernstein has given me a copy of this letter dated January 11, 1951. The first thing is that you "have stated in frequent discussions that living conditions in Russia were superior to those in the United States and praised Russia as providing greater racial equalities, this without any personal knowledge on your part of actual conditions in Russia, thereby indicating a susceptibility to communistic influence."

Did you ever make any such statement?

Mr. BERNSTEIN. I did not.

Mr. COHN. Anything similar to this?

Mr. BERNSTEIN. Actually, in the whole course of this thing, I think it can be best summarized that at the Appeals Board hearing in Washington, a gentleman on the Board made the statement that in the course of conversation things can be misconstrued.

Mr. COHN (reading):

(b) That you favor the Communist system in Russia over the capitalistic system in the United States.

Did you ever say that?

Mr. BERNSTEIN. No. I don't hold this. This is quite the antithesis.

Mr. COHN (reading):

And (c) praised the Russian form of government and attempted to convince a fellow employee that the Communist form of government in Russia was superior to that of the present system of government in the United States.

Did you ever say that?

Mr. BERNSTEIN. No, sir.

Mr. COHN. Did you ever say anything similar to those statements?

Mr. BERNSTEIN. No, I did not. I don't hold these opinions, and I don't say them.

Mr. COHN. You say there are things that can be misconstrued. Taking those three statements there, you would have to go awfully far to misconstrue them. Isn't that true?

Mr. BERNSTEIN. That is quite true, if they were stated as statements that I have made.

Mr. COHN. Did you say anything substantially similar? Did you say anything which could be misconstrued, to come out with this, as just indicated?

Mr. BERNSTEIN. Of course, this is a two-way proposition. I don't know who might have misconstrued them. I never did know.

Mr. COHN. Did you say anything which might have been misconstrued?

Mr. BERNSTEIN. I said nothing that I had intended to be misconstrued. The individual of the second part could possibly have misconstrued it. I don't deny this at all.

Mr. COHN. Who were some of the individuals that reported these statements? You found that out in the course of the hearing; did you not?

Mr. BERNSTEIN. No, sir, and it was never told to me.

Mr. COHN. Do you have a transcript of the hearing here?

Mr. BERNSTEIN. Yes.

Mr. COHN. May I see that?

Mr. BERNSTEIN. Surely. I have a transcript of both the appeals hearing and the first hearing.

The CHAIRMAN. Who testified at the first hearing?

Mr. BERNSTEIN. Who testified? There were six witnesses of my own that testified for me.

Mr. COHN. Did anyone testify against you?

Mr. BERNSTEIN. No.

Mr. COHN. Did anyone testify against you at the second hearing?

Mr. BERNSTEIN. No.

The CHAIRMAN. Do you know why they did not call the witnesses against you?

Mr. BERNSTEIN. There was a statement made, as I recall, at the first hearing that they had asked the witness to appear and he had not appeared.

Mr. COHN. Could I see those transcripts?

Mr. BERNSTEIN. Yes. This is the first hearing, and this is the appeal.

Mr. COHN. Now, what was the finding of the Board after the first hearing?

Mr. BERNSTEIN. After the first hearing, I was discharged, and I submitted an appeal to the Board in Washington, and, by the Appeals Board in Washington I was reinstated.

Mr. COHN. I am going to ask you if I can retain this copy and have a copy made from it and return this to you.

Mr. BERNSTEIN. As long as it is returned to me, certainly.

Mr. COHN. We will see that it is returned to you in the next couple of days.

The CHAIRMAN. Mr. Bernstein, you will be excused until counsel has a chance to go over the hearing.

Just before you leave, one question. I think I asked you this before. I am not sure. Did you ever join the Young Communist League?

Mr. BERNSTEIN. No, sir, I did not.

The CHAIRMAN. Did you ever join the Communist Party?

Mr. BERNSTEIN. I did not.

The CHAIRMAN. Did you ever attend any meetings of the YCL or of the Communist Party?

Mr. BERNSTEIN. I did not.

The CHAIRMAN. Were you ever asked to join the Communist Party?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Were you ever asked to attend any Communist meetings?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Do you know any Communists?

Mr. BERNSTEIN. I know a Communist who is a member of the AVC and admitted to being a Communist.

Mr. COHN. What was his name?

Mr. BERNSTEIN. Bennett Davies.

Mr. COHN. Did he work here?

Mr. BERNSTEIN. No.

Mr. COHN. Did he work for the Army?

Mr. BERNSTEIN. I don't know.

Mr. COHN. Was there anybody else in the AVC you knew to be a Communist?

Mr. BERNSTEIN. This was the only one I know for a positive fact.

Mr. COHN. Let's forget the positive fact. There were some very heated discussions down at the AVC. From those, couldn't you make a reasonable deduction concerning several there?

Mr. BERNSTEIN. Several. At the time there were a group of people of about 47 who had been out of service, who I would say were interested in a democratic ideal and didn't believe particularly that the Veterans' Committee was the place for politics, and for this reason offered an opinion against the disbarment of the Communist members. I don't think that they were Communists at all.

Mr. COHN. You said there were several others concerning whom you could make the deduction, that they were Communists.

Mr. BERNSTEIN. I would say this, that the most I could say is that perhaps there were some of them that might have been sympathetic.

Mr. COHN. Who were the several people you feel were sympathetic?

Mr. BERNSTEIN. Oh, there was a chap by the name of Sockel.

Mr. COHN. That is Albert Sockel?

Mr. BERNSTEIN. That is correct.

Mr. COHN. He worked up here, didn't he?

Mr. BERNSTEIN. He worked at Evans; yes.

Mr. COHN. Who else?

Mr. BERNSTEIN. Offhand, he is the only one that comes to mind.

The CHAIRMAN. Just a second. You just said that there were several others you knew.

Mr. BERNSTEIN. No; I think I said there were several sentiments that I could express, that there were several people who expressed different sentiments.

The CHAIRMAN. In other words, Sockel was the only man you had reason to believe was a Communist in the AVC?

Mr. BERNSTEIN. That I had reason to believe was sympathetic.

The CHAIRMAN. There was no one else?

Mr. BERNSTEIN. Except the one chap, Bennett Davies, who made a positive statement to this effect.

The CHAIRMAN. And during all the time you were in this AVC chapter, you had no reason to believe there was anyone else, except the two you mentioned, who were sympathetic to communism?

Mr. BERNSTEIN. Well, as I say, this is the name that comes back to me now, Levinson.

Mr. COHN. Was it Norman Levinson?

Mr. BERNSTEIN. No; it wasn't Norman. It may have been Gabriel.

Mr. COHN. Was Levinson working up here?

Mr. BERNSTEIN. No; he was in his own business, as I recall, or his father's business.

The CHAIRMAN. Did you ever visit in the home of Davies?

Mr. BERNSTEIN. No. He was at my house, as a member of an executive committee.

The CHAIRMAN. Did the executive committee meet occasionally at your home?

Mr. BERNSTEIN. Every once in a while.

The CHAIRMAN. Were you on the executive committee?

Mr. BERNSTEIN. I was the chairman of the chapter.

The CHAIRMAN. The chairman of the chapter?

Mr. BERNSTEIN. For a period of time; yes.

The CHAIRMAN. And the chapter voted to expel the Communists at one time, did it?

Mr. BERNSTEIN. I think the chapter hit its demise on this particular issue, and the particular action we took was recognizing that there was this problem involved. We were organized, I might say, on a sort of eastern Monmouth County basis.

The CHAIRMAN. This is just a simple question. Did the chapter vote to expel the Communists?

Mr. BERNSTEIN. It took a vote on it. I don't recall the outcome.

The CHAIRMAN. You knew they took a vote to expel the Communists, but you did not know the outcome of the vote?

Mr. BERNSTEIN. I am sorry, sir. I don't know exactly what the outcome was.

The CHAIRMAN. You were chairman of the group.

Mr. BERNSTEIN. That is correct.

The CHAIRMAN. And you do not know how they voted?

Mr. BERNSTEIN. Oh, I do know how they voted. When I say I don't know the outcome, I couldn't tell you whether it was 25-24, or something of this nature.

The CHAIRMAN. I just asked you a simple question, whether they voted to bar the Communists, and you said you didn't know the outcome.

Mr. BERNSTEIN. Specifically, sir.

The CHAIRMAN. You do know the outcome. They voted not to bar the Communists?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. How did you vote?

Mr. BERNSTEIN. I did not vote. I was the chairman.

The CHAIRMAN. And do you know how the different members voted? Do you have a record of it?

Mr. BERNSTEIN. No; as I recall, it was a closed vote and not signed.

The CHAIRMAN. It was a secret ballot?

Mr. BERNSTEIN. A secret ballot.

Mr. COHN. How did the Leeds brothers vote?

Mr. BERNSTEIN. I don't recall the Leeds brothers as being members of AVC.

Mr. COHN. Was anyone presently employed at Monmouth a member of AVC at that time?

Mr. BERNSTEIN. Presently employed? Yes; there are some people that are presently employed.

Mr. COHN. Let's have the names.

Mr. BERNSTEIN. One I think of was Katz, Max Katz. I think he is at Squier.

Mr. COHN. How did he vote on it?

Mr. BERNSTEIN. Gee, I don't know. It was a closed ballot.

The CHAIRMAN. Did he not tell you? Did not Katz get up and argue against barring the Communists?

Mr. BERNSTEIN. No. I would say that Katz was one of the persons who resolved that they should be barred.

The CHAIRMAN. Did you argue either way on it?

Mr. BERNSTEIN. I am afraid not. I was the chairman of the meeting.

The CHAIRMAN. Did you speak the night you had the final vote?

Mr. BERNSTEIN. Only to chair the meeting.

The CHAIRMAN. Did you speak for or against barring the Communists?

Mr. BERNSTEIN. No; I did not.

The CHAIRMAN. Who spoke against barring the Communists?

Mr. BERNSTEIN. Generally, I would say that the expression was from Davies and Levinson.

The CHAIRMAN. Who else?

Mr. BERNSTEIN. I am afraid these are the only two that I can recall.

The CHAIRMAN. What was your view, whether you voted or not?

Mr. BERNSTEIN. At the time I did not think so. I was among those who felt that it was not a political organization.

The CHAIRMAN. You felt the Communists should not be barred?

Mr. BERNSTEIN. That is correct.

The CHAIRMAN. And what year was this?

Mr. BERNSTEIN. 1947, I believe.

The CHAIRMAN. Now, to refresh your recollection, you say you do not recall the outcome. By that, you explained, you meant you did not know the vote. Was not the vote 47 against barring them?

Mr. BERNSTEIN. I really don't know.

The CHAIRMAN. Don't you know?

Mr. BERNSTEIN. No; I really don't.

The CHAIRMAN. What was the membership?

Mr. BERNSTEIN. The membership has varied.

The CHAIRMAN. Roughly?

Mr. BERNSTEIN. I remember this much of it. Of the particular vote we had, a motion was passed and carried that we solicit the ballots of the membership through the mail, because we had a rather small turnout. Our enrollment on paper was something on the order of 50, I imagine.

The CHAIRMAN. Did you get the ballots by mail?

Mr. BERNSTEIN. I could not say. I think they were sent out.

The CHAIRMAN. You say you did not vote, because you were chairman?

Mr. BERNSTEIN. That is correct, I did not vote.

The CHAIRMAN. If there had been a tie vote, you would have had to vote?

Mr. BERNSTEIN. I would have had to vote.

The CHAIRMAN. And at that time you were against barring them?

Mr. BERNSTEIN. I was.

The CHAIRMAN. So if you were called upon to vote, you would have voted against barring the Communists?

Mr. BERNSTEIN. That is right, sir.

The CHAIRMAN. Were you working at the Signal Corps lab at that time?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. Did you think Communists should be barred from working in the Signal Corps lab?

Mr. BERNSTEIN. I don't think I thought of it at that particular time, sir.

Mr. COHN. In 1947?

Mr. BERNSTEIN. In 1947.

The CHAIRMAN. Some of your fellow AVC members and you were working here. Did you think at that time that Communists should be working here? Did you have any feeling on it at all?

Mr. BERNSTEIN. I am afraid I didn't.

The CHAIRMAN. So if you knew of a Communist working here at that time, you would have had no feeling that you ought to report that to the FBI, or anything?

Mr. BERNSTEIN. If I knew of some one working here, Communist or not, that was doing something I thought improper, I certainly would.

The CHAIRMAN. I am not speaking of whether you caught them in the act of espionage. I am asking you whether or not in 1947, if you knew that there was a Communist handling secret material, you felt bound to report that to your commanding officer or the FBI.

Mr. BERNSTEIN. I don't know, sir.

The CHAIRMAN. You had no feeling on that?

Mr. BERNSTEIN. Not at that particular time.

The CHAIRMAN. As of today, if you knew of a Communist handling secret material, would you report it?

Mr. BERNSTEIN. I would.

The CHAIRMAN. Sometime between 1947 and 1953 your thought on this changed. Would you tell us when you arrived at a state of mind where you thought that a Communist would have been dangerous in the Evans lab?

Mr. BERNSTEIN. I think it evolved from the entire episode of the AVC demise and the way it broke up. I think we clearly saw some responsible fingers in this particular matter. Most of us had joined the AVC, I guess, because of its motto, "Citizens first, veterans second." and we felt that we could return to citizenship, and it was a rather glorious thing to us. And to see it crumble the way it did, and I believe on this particular issue and because of these particular sentiments—that was the first occasion I had to appreciate this point.

The CHAIRMAN. Now, in 1947, you thought Communists should belong to the AVC. In 1947, you say you did not know whether you would report a Communist to your commanding officer or the FBI if he were handling secret material. In '53, you say you would report him. The question is: In what year did you decide that a Communist was dangerous?

Mr. BERNSTEIN. It is hard to pin a year. I would say it was out of the episode of '47.

The CHAIRMAN. Roughly '48, '49, '50?

Mr. BERNSTEIN. About '48.

The CHAIRMAN. You decided it because the AVC broke up?

Mr. BERNSTEIN. Because I saw the influence these people had. It was rather shameful to me that people who I felt had spirit could not defeat what I considered a rather small core and couldn't continue to grow in the manner that we thought proper.

The CHAIRMAN. And you say it broke up because you voted not to bar Communists. The non-Communists left the AVC, did they not?

Mr. BERNSTEIN. No. Actually, what happened—we made an attempt to retain the AVC on a smaller basis.

The CHAIRMAN. Let us get this record straight now. You voted not to bar the Communists. Thereafter the non-Communists quit the AVC, did they not? So you only had Communists left?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. Let us make the record clear. You voted not to bar them, by a very sizable vote. Is it not a fact that when you had that vote the anti-Communists became dissatisfied and dropped out?

Mr. BERNSTEIN. No, sir. I would say not.

The CHAIRMAN. Did any of them drop out, any of the anti-Communists?

Mr. BERNSTEIN. All along the line, as I said, we had a mailing list of a certain number, and a regular attendance that was considerably less than this. And we were losing members in this particular all the way along, for various reasons.

Now, if I may: We made an attempt——

The CHAIRMAN. You may step down.

Mr. COHN. We are going to study that transcript.

What is your title at the present time out here, Mr. Bernstein?

Mr. BERNSTEIN. I have just been relieved from the title of Chief, Measurements Section.

Mr. COHN. You have not been suspended, have you?

Mr. BERNSTEIN. No; I have not.

Mr. COHN. You were Chief of the Measurements Section?

Mr. BERNSTEIN. That is right.

The CHAIRMAN. In other words, you cannot go into any of the labs that handle secret or confidential material?

Mr. BERNSTEIN. That is right.

Mr. COHN. Was your clearance secret or top secret, Mr. Bernstein?

Mr. BERNSTEIN. Secret, not top secret.

The CHAIRMAN. What kind of work are you doing right now?

Mr. BERNSTEIN. I haven't been at work. I have had a bad cold. I have been out for the last 4 days.

Mr. COHN. Have you ever taken classified material out of your lab to your home?

Mr. BERNSTEIN. I have taken classified material to a conference.

Mr. COHN. But have you ever taken any to your home?

Mr. BERNSTEIN. I have not taken any out to my home.

Mr. COHN. Would you say it was a general practice to take secret material home?

Mr. BERNSTEIN. I wouldn't say it was a general practice. I knew it had occurred.

Mr. COHN. Who did it? Can you name anyone?

Mr. BERNSTEIN. No, this is just something I know of. I don't know people by name.

The CHAIRMAN. You may step down. We will want you further. You may consider yourself under subpoena.

Mr. COHN. How many people worked under you?

Mr. BERNSTEIN. There are 17 people in the Section.

The CHAIRMAN. Up until you were suspended Friday, you had access to secret material?

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. Up until your clearance was lifted Friday, you had access to secret material.

Mr. BERNSTEIN. Yes, sir.

The CHAIRMAN. What is your salary?

Mr. BERNSTEIN. Eighty-three-forty.

Mr. COHN. Of what college are you a graduate?

Mr. BERNSTEIN. City College of New York.

Mr. COHN. In what year?

Mr. BERNSTEIN. I finished up at night school in 1941.

Mr. COHN. Did you know Julius Rosenberg at City College?

Mr. BERNSTEIN. No; I did not.

Mr. COHN. Morton Sobell?

Mr. BERNSTEIN. No.

Mr. COHN. William Mutterperl?

Mr. BERNSTEIN. No.

Mr. COHN. Aaron Coleman?

Mr. BERNSTEIN. I knew him here, not at City College.

Mr. COHN. Were there any you knew at City College who have worked here?

Mr. BERNSTEIN. Quite a number.

Mr. COHN. Are there any you knew or suspected to be Communists?

Mr. BERNSTEIN. No, sir.

Mr. COHN. Did you know Carl Greenblum?

Mr. BERNSTEIN. No; I did not.

The CHAIRMAN. Is it your testimony that you never attended a Young Communist League meeting at City College?

Mr. BERNSTEIN. That is correct, sir.

The CHAIRMAN. No meeting that you had any reason to suspect was a Communist meeting?

Mr. BERNSTEIN. No, sir.

The CHAIRMAN. You will be called back. I suggest that you refresh your recollection especially as to whether you attended a number of meetings in either the spring or the fall of 1939.

Mr. BERNSTEIN. In City College?

The CHAIRMAN. In New York, YCL meetings.

(Whereupon, at 4 p. m., a recess was taken, to reconvene at 8 p. m., in room 29, Federal Building, New York, N. Y.)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

TUESDAY, NOVEMBER 24, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
New York City, N. Y.

The subcommittee met at 10:35 a. m., pursuant to call, in room 110, Federal Building, Foley Square, New York City, N. Y., Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. The committee will come to order.

We received word this morning from the other three Senators on the committee. Senator Potter is unable to be here because he is out of the United States, and is due to return very shortly. Senator Mundt and Senator Dirksen are tied up in their home States, and they are making arrangements to come in for future hearings.

This, as you know, is the first public hearing going into the alleged espionage and alleged Communist infiltration of the Army Signal Corps at Fort Monmouth.

The first witness, Mr. Cohn.

Mr. COHN. The first witness is Colonel Lotz of the Signal Corps. I wonder if you would take this chair right down here, if you will.

I may say we welcome the legal counsel of the Secretary of the Army here, Mr. John Adams. Will you take a chair, Mr. Adams?

Will you raise your right hand and be sworn? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Colonel LOTZ. I do.

TESTIMONY OF COL. WALTER EDWARD LOTZ, JR.

Mr. COHN. Would you give us your full name, please, Colonel Lotz?

Colonel LOTZ. Walter Edward Lotz, Jr., L-o-t-z.

Mr. COHN. Where are you stationed now, Colonel?

Colonel LOTZ. I am currently stationed in the Office of the Chief Signal Officer, Washington, D. C., and I am assigned to the Engineering and Technical Division of that Office.

Mr. COHN. Do you have any connection with research and development?

Colonel Lotz. Yes, sir. The Engineering and Technical Division supervises the research and development program of the Signal Corps.

Mr. COHN. Now, Colonel Lotz, I would like to ask you this right now: Can you give to the committee a brief picture of the fields for which the Army Signal Corps is responsible?

Colonel Lotz. Yes, sir.

The CHAIRMAN. I am going to have to ask the men with the news-reel cameras and television to try and maintain a bit more order. It is almost impossible to conduct a hearing with all of the confusion, and sooner or later you are going to have to try to pool your efforts so that less camera will be used here. It is extremely difficult to conduct a hearing under these circumstances.

Colonel Lotz. The Signal Corps has responsibilities within the Department of the Army for the fields of wire and radio communication, for television, for sound and light, for photography and meteorology, and for some phases of radar.

Now, by that last statement, I mean that during World War II the Signal Corps had responsibility for all phases of radar, but in about 1945 the responsibility for radar equipments peculiar to the Air Forces, such as airborne radar components, and early warning radar equipments for air defense purposes—the responsibilities for these equipments was passed to the then Army Air Corps.

In 1946 and thereafter, certain other phases of radar, including the radar equipments which are an integral part of fire-control systems and radar equipments for guided missiles, were passed in responsibility to other Army agencies.

Mr. COHN. Is the Signal Corps responsible for research and development in the radar field?

Colonel Lotz. Yes, sir, they are, within the fields that I mentioned.

Mr. COHN. I would like to ask you this, Colonel—I think it will be important for the future evidence which will develop: Without revealing any classified information, could you give us a brief explanation of the purposes for which radar is used?

Colonel Lotz. Yes, sir. The name “radar” is derived from an abbreviation of radio detection and ranging. Now, with radar equipment we are able to detect the presence of and location of certain types of objects. Radar is used to detect the approach of and the actual location of various types of hostile targets.

Mr. COHN. Can you tell us the physical location, where and in what manner the Signal Corps carries out its responsibilities with reference to radar?

Colonel Lotz. Within the Signal Corps our principal research and development agency is the Signal Corps Engineering Laboratories, with headquarters at Fort Monmouth, N. J. This agency has three separate laboratories, Coles, Squier, and Evans Signal Laboratory.

Mr. COHN. C-o-l-e-s, and S-q-u-i-e-r, and E-v-a-n-s. Those are the three Monmouth laboratories?

Colonel Lotz. That is right.

Now, the radar work is primarily conducted at Evans Laboratory. In addition to these agencies of the Signal Corps, we do a considerable amount of work by contracting with commercial laboratories.

Mr. COHN. I wonder if you could name for us—I know you cannot name all, but could you name for us some of the leading commercial companies which do this Signal Corps work?

Colonel LOTZ. Of course, a list of companies with which we contract is rather large, but some of the more prominent companies that we deal with are Radio Corporation of America, General Electric Co.—

Mr. COHN. General Electric?

Colonel LOTZ. Yes, sir.

Bendix Aviation Co., Emerson Radio Co., Sperry Gyroscope Co., and there are many others, sir.

Mr. COHN. Now, high up on that list, do you have the Raytheon and Glenn Martin, as well?

Colonel LOTZ. Yes, sir; that is one of our principal companies, and we do quite a bit of contracting with Glenn L. Martin Co.

Mr. COHN. Is another one the Federal Telecommunications Laboratories?

Colonel LOTZ. Yes, sir; we do contract with those laboratories.

Mr. COHN. Where is that laboratory located?

Colonel LOTZ. That is at Nutley, N. J.

Mr. COHN. Can you tell us whether or not, since 1946, the Federal Telecommunications Laboratory has handled any classified contracts for the Signal Corps?

Colonel LOTZ. Yes, sir; they have.

Mr. COHN. Have any of those classified contracts gone as high as "secret"?

Colonel LOTZ. Yes, sir.

Mr. COHN. And is the Federal Telecommunications Laboratory doing work for the Signal Corps right now?

Colonel LOTZ. Yes, sir.

The CHAIRMAN. May I suggest it might be well at this time to put a definition of "secret" into the record, if we may have that.

Mr. COHN. Could you tell us, Colonel, just what you mean by "secret"?

Colonel LOTZ. Yes, sir; "secret" classification is assigned to material and information, the unauthorized disclosure of which would endanger our national security or would cause serious injury to our national interest or be of great advantage to a foreign nation.

Mr. COHN. I would like to ask you this—but before we leave the question of companies doing work for the Signal Corps, 1 or 2 other names might be mentioned in these hearings, and I want to ask you about them. How about the ARMA—A-R-M-A—Corp.; do they do any Signal Corps work?

Colonel LOTZ. I believe we do some with ARMA.

Mr. COHN. How about Espey—E-s-p-e-y?

Colonel LOTZ. I believe so.

Mr. COHN. The ARMA Corp. is located in Brooklyn, N. Y., is it?

Colonel LOTZ. I believe that is where their main office is, sir.

Mr. COHN. Now, Colonel, I would like to ask you about this, which will be of considerable importance in these hearings: Is some device called the proximity fuse related to the work of the Signal Corps?

Colonel LOTZ. Well, during World War II the Signal Corps had the responsibility for the procurement of devices known as proximity fuses, sir.

Mr. COHN. Can you tell us, again without revealing classified information, just what the function of a proximity fuse is?

Colonel Lotz. Well, the proximity fuse is a type of fuse that is attached to bombs or shells or rocket warheads that will detonate those devices in flight. When they come within effective range of their targets, if those fuses are attached, for example, to one of these devices, it is not necessary that they come in contact or impact with their target.

Mr. COHN. In other words, the bombs, or whatever it might be, will explode without an actual impact with the target? The fuse will set them off?

Colonel Lotz. That is right, sir.

Mr. COHN. Can you tell us, again without revealing classified information, just how big, physically, a proximity fuse is?

Colonel Lotz. Of course, there are various types of these fuses.

Mr. COHN. But of the Signal Corps one in particular.

Colonel Lotz. The type that we were procuring in the Signal Corps during the war ran, say, 10 inches long, and maybe 4 or 5 inches in diameter, and probably weighed a couple of pounds, 2 or 3 pounds.

Mr. COHN. Would it be possible to place one of these proximity fuses in a briefcase? Were they that small?

Colonel Lotz. Yes, sir.

Mr. COHN. I would like to ask you this, Colonel: What was the classification of the proximity fuse during World War II?

Colonel Lotz. It was "secret," sir.

Mr. COHN. The classification was "secret"?

Colonel Lotz. Yes, sir.

Mr. COHN. You have already given us a definition of "secret"; is that right?

Colonel Lotz. Yes, sir.

Mr. COHN. "Secret" classification is assigned to information, unauthorized disclosure of which would endanger national security, cause serious injury to the interests of our Nation, or be of great advantage to a foreign nation; is that correct?

Colonel Lotz. Yes, sir.

Mr. COHN. Now, Colonel, has the Army made available to this committee a copy of the personnel file of Julius Rosenberg?

Colonel Lotz. Yes; it has.

Mr. COHN. And have you, at the request of the committee and the Army, examined this personnel file of Julius Rosenberg?

Colonel Lotz. I have, sir.

Mr. COHN. Can you ascertain from that whether or not Julius Rosenberg was employed by the Army Signal Corps at any time?

Colonel Lotz. I have ascertained that Julius Rosenberg was employed by the United States Army Signal Corps from 1940 until early 1945, sir.

Mr. COHN. Can you tell us again with reference to this Rosenberg file, which the Army has made available to us, whether or not Rosenberg, when employed by the Army Signal Corps, actually had access to the proximity fuse which we have been discussing?

Colonel Lotz. The file indicates that during his Signal Corps employment, Rosenberg had been assigned as an inspector to the Emerson Radio Co., and during that period of time he was inspecting the production of a type of proximity fuse, sir.

Mr. COHN. And was this around 1944 or 1945?

Colonel Lotz. Yes, sir.

Mr. COHN. What was the classification of the proximity fuse at the time Rosenberg was inspecting it for the Signal Corps?

Colonel Lotz. It was "secret," sir.

Mr. COHN. Is that still classified?

Colonel Lotz. Yes, sir; it is still classified.

Mr. COHN. Was it downgraded in later years?

Colonel Lotz. Yes, sir. After the war, in about 1948, June of 1948, that particular device which Rosenberg had access to was downgraded from "secret" to "confidential."

Mr. COHN. And it still remains classified "confidential"; is that correct?

Colonel Lotz. Yes, sir.

Mr. COHN. And a "confidential" classification applies to those things, unauthorized disclosure of which would be prejudicial to the interests of our Nation, or would be of advantage to a foreign nation?

Colonel Lotz. That is right.

Mr. COHN. That is "advantage" rather than "great advantage"?

Colonel Lotz. That is right, sir.

Mr. COHN. Now, Colonel Lotz, if Julius Rosenberg, when employed by the Signal Corps, had stolen one of these fuses and given it to a foreign power, would that have resulted in a serious menace to the security of this country?

Colonel Lotz. Well, all I can say to that is that it was classified "secret" at the time that Rosenberg had access to it.

Mr. COHN. You have given us the definition of "secret."

Colonel Lotz. Yes, sir.

Mr. COHN. Now, Colonel, I want to ask you this: Can you tell us generally speaking, in general terms, what is involved in this field of electronics?

Colonel Lotz. Well, electronics is a rather broad field, but in general it would include the devices which contain vacuum tubes and other components which perform the functions of vacuum tubes.

Mr. COHN. I would like to ask you this: Has the Signal Corps been concerned with electronic valves and vacuum tubes?

Colonel Lotz. Well, we are concerned with vacuum tubes. By "valves," I presume you mean the British terminology where "electronic valves" is equivalent to the American name of "vacuum tube."

Mr. COHN. They are really synonymous terms?

Colonel Lotz. They are.

Mr. COHN. And the Signal Corps has been and is concerned with vacuum tubes?

Colonel Lotz. Yes, sir, we are concerned with that within the Army.

Mr. COHN. Where in particular, or at what physical location are these vacuum tubes worked on?

Colonel Lotz. Our vacuum tube work is done at Evans Signal Laboratory, and of course we, like all research and development programs, subcontract that work to various industrial concerns.

Mr. COHN. That is the Evans Signal Laboratory at Fort Monmouth, which you have described?

Colonel Lotz. Yes, sir.

Mr. COHN. Does the Signal Corps, in addition, have responsibility for capacitors, c-a-p-a-c-i-t-o-r-s?

Colonel Lotz. Yes, sir. We deal with capacitors. They are fairly common electronic components.

Mr. COHN. And where are they worked on, commonly?

Colonel LOTZ. The work that we were doing on those would be done at Squier Signal Laboratory at Fort Monmouth, and there again, that work might be contracted to some commercial organization.

Mr. COHN. How about transformers?

Colonel LOTZ. Yes, sir, they are electronic components also.

Mr. COHN. Would they be worked on at Squier, also?

Colonel LOTZ. Yes, sir.

Mr. COHN. Does the Signal Corps have responsibility for the preparation of tube manuals?

Colonel LOTZ. Yes, sir, we do, for tubes peculiar to military requirements.

Mr. COHN. Where would that work be done?

Colonel LOTZ. That would be done at Evans, and other agencies, Squier, and so on, and perhaps also at contractors' plants, but more likely to be done at one of our laboratories.

Mr. COHN. I assume that the classification of the tube manual would depend upon the classification of the vacuum tube to which it is addressed, would that be, generally speaking, true?

Colonel LOTZ. Normally, the tube manual would be classified, since it gives details of the tubes that are listed in it. It would normally be classified with the highest classification of any tube that was listed in it.

Mr. COHN. Thank you.

I have no further questions.

The CHAIRMAN. I have one question, Colonel. If a Communist were to have access to Signal Corps material up until, we will say, 1953, do you consider that extremely dangerous to the security of this Nation?

Colonel LOTZ. That would depend upon the classification of that material, sir.

The CHAIRMAN. If they had access to the general run of material at Fort Monmouth?

Colonel LOTZ. Any unauthorized access would be dangerous, sir.

Mr. COHN. That is the purpose of classifying material, is that right?

Colonel LOTZ. Yes, sir.

Mr. COHN. I have no further questions.

The CHAIRMAN. I have no further questions.

Mr. COHN. Thank you very much, Colonel. We appreciate your cooperation.

I wonder if at this time we could ask Mr. O. John Rogge to come forward.

STATEMENT OF O. JOHN ROGGE, AN ATTORNEY

Mr. COHN. You are a member of the bar of the State of New York, and admitted to practice in the Federal courts, is that correct?

Mr. ROGGE. That is right.

Mr. COHN. And you have represented various witnesses before this committee, is that correct?

Mr. ROGGE. I have.

Mr. COHN. Mr. Rogge, have you for a number of years acted as counsel to David Greenglass?

Mr. ROGGE. I have.

Mr. COHN. And did you have occasion to talk with David Greenglass in recent weeks?

Mr. ROGGE. Yes, I did.

Mr. COHN. Would you describe that for the committee?

Mr. ROGGE. The circumstances were these: In the investigation which this committee is conducting into espionage, the clients whom I represent, of whom David Greenglass is one, will cooperate with the committee. Pursuant to that position, various representatives of the committee—yourself, Mr. Cohn, and Mr. Schine, and Mr. Carr—and I went down to Lewisburg and conferred with Mr. Greenglass. I conferred with him first, and he indicated that he was willing to cooperate.

I think that I should add in fairness to David Greenglass that he has cooperated with the Government almost from the beginning, and he is continuing that cooperation.

Pursuant to that position, both you and Mr. Schine questioned him, and Mr. Carr took notes. Afterward, those were reduced to written form, and questions and the answers which David Greenglass made were submitted to him, and he went over them, and I have a copy of those questions and answers. I can say to you that they correctly represent questions that were asked of David Greenglass, and answers that he gave.

Mr. COHN. We want to thank you very much, Mr. Rogge, for your cooperation with the committee and the trouble which we have occasioned you with that trip to Lewisburg.

Mr. Chairman, Mr. Buckley, assistant counsel for the committee, has produced here the sworn affidavit of David Greenglass, accompanying the questions and answers which have been referred to by Mr. Rogge, and I wonder if I might read them into the record at this time.

The CHAIRMAN. I think that is an excellent idea.

Mr. COHN (reading):

COMMONWEALTH OF PENNSYLVANIA,

County of Union, ss:

David Greenglass, being duly sworn, deposes and says:

I have read the attached interrogatory consisting of four typewritten pages and I incorporate everything contained therein in this affidavit.

I have placed my initials and the date on each of the attached four pages.

I have carefully read each question and each answer which appear on the attached four pages and I declare that the questions were those that were asked of me and the answers were that which I gave.

DAVID GREENGLASS.

Subscribed to and sworn to before me this 22d day of November 1953.

G. W. HUMPHREY, Warden.

Authorized by the act of February 11, 1938, to administer oaths.

Interrogation of David Greenglass conducted at the United States Penitentiary, Lewisburg, Pa., October 1953.

Q. What is your name?—A. David Greenglass.

Q. You realize a subpoena has been sent to you in care of Warden Humphrey?—A. Yes, I do.

Q. Have you talked with your attorney, Mr. Rogge?—A. Yes, he was up here and I told him I would cooperate.

Q. Are you incarcerated in Lewisburg Penitentiary?—A. Yes. I am serving a 15-year term.

Q. For what?—A. Conspiracy to commit espionage.

Q. Did you plead guilty in Federal court, New York, to conspiracy to commit espionage in which Julius Rosenberg and others were involved?—A. Yes, I did.

Q. Did you yourself give atomic secrets to Rosenberg and to Harry Gold for transmission to Russia?—A. Yes. When I was stationed at Los Alamos at the atomic bomb project, I passed sketches and other information on the bomb to Rosenberg and to Gold at their request.

Q. After you were discharged from the service and left Los Alamos did you have occasion to learn anything further about the espionage activities of the Rosenberg ring?—A. Yes, I was told more.

Q. Under what circumstances?—A. Rosenberg and I went into the metal goods manufacturing business together in New York in 1946. While we were together, Rosenberg told me certain things about the secrets and material they stole for Russia. Also around the period after Harry Gold's arrest, when Rosenberg was trying to get me to leave the United States and go to Russia, I found out more from him about those involved in the ring.

I think the public record shows that that was 1950.

Q. Did you learn if there was espionage in the Army Signal Corps?—A. Yes; I learned that there was espionage in the Army Signal Corps. I learned that the Rosenberg ring took and obtained secrets from the Army Signal Corps and transmitted them to Russia.

Q. Will you give us some of the details concerning your knowledge of espionage in the Signal Corps?—A. Yes. Rosenberg told me that the Russians had a very small and a very poor electronics industry (this is, of course, another name for the radar industry) and that it was of the utmost importance that information of an electronics nature be obtained and gotten to him. Things like electronics valves (vacuum tubes), capacitors, transformers, and various other electronic and radio components were some of the things he was interested in.

Rosenberg also told me that he gave all of the tube manuals he could get his hands on to Russia, some of which were classified "top secret."

I think, Mr. Chairman, you will recall from Colonel Lotz' testimony that vacuum tubes and tube manuals were worked on at Evans Signal Laboratory and its contractors.

The CHAIRMAN. That is right.

Mr. COHN (reading):

About 1947, at a time when it was a top United States scientific secret, Julius Rosenberg told me about information he had obtained from a friend relating to a thinking machine which would send out interceptor guided missiles to knock out an enemy's guided missiles which had been detected by our radar and its course predicted by our thinking machines. Rosenberg was discussing this information with me, as I said before, when it was a top American scientific secret.

The CHAIRMAN. I think the record should show that the term "thinking machine" is a term applied to certain radar devices.

Mr. COHN. That is correct, Mr. Chairman.

The CHAIRMAN. That is the term that is used in the Signal Corps.

Mr. COHN (reading):

Of course, it must be remembered that Rosenberg was employed by the Signal Corps during World War II and worked at Fort Monmouth and at other places which were working on prime or subcontracts for the Signal Corps such as the Emerson Radio Corp. At one time, too, Rosenberg was an inspector for the Signal Corps.

After the war when Rosenberg and I were in business together in New York, Rosenberg used his Signal Corps contacts in attempts to obtain contracts for Pitt Machine Products and the G. & R. Engineering Co.

That is the Greenglass & Rosenberg Engineering Co.

As a matter of fact, Julius made a number of trips to Signal Corps officials in Philadelphia for this purpose.

Once when I questioned Julius about the necessity of the frequent Philadelphia trips, he answered that not only were the trips necessary for company business but also because he had to see his espionage contacts.

I also recall that in New York City there was a purchasing agent in the Air Corps whom Julius had met in the Signal Corps sometime earlier when both were with the Signal Corps. Julius was in contact with this individual and went to see him regularly.

Q. Did Rosenberg tell you anything about working on the proximity fuse while he was at the Signal Corps installation at Emerson?—A. Yes. Rosenberg told me that while he was employed for the Signal Corps at Emerson he stole the proximity fuse and gave it to the Russians.

Q. Did Rosenberg tell you exactly how he accomplished this theft?—A. Yes. Julius told me that it was his practice to bring his lunch to work in a briefcase. He said that he was actually able to place a proximity fuse in the briefcase and walk out of the Emerson plant with it.

Q. Did Rosenberg tell you what he did with the proximity fuse once he had stolen it?—A. Yes. He told me that he handed it over to a Russian agent.

Q. Was Rosenberg the only member of the ring who committed espionage in the Signal Corps?—A. No. There were others.

Q. Would you give us details on what you know about the others?—A. Yes. There was Joel Barr. He worked out at Fort Mommouth with the Signal Corps and later he worked with Sperry Gyroscope in Lake Success, N. Y. Julius, at this time, was trying to get me to leave the country, hoping that I would not be caught and thereby expose the spy ring. When I differed with Julius on the method of leaving the country, he said that I should leave via the port of New York, taking a steamship to France.

When I remonstrated with Rosenberg saying that this was not a very good method since I would be under the eye of the FBI and the State Department, Julius said that more important people than I had left by this route. When I asked who they were, Julius said "Joel Barr, for one." Julius had told me that Barr was one of those who had given him information on electronic apparatus. Rosenberg then mentioned that he had gotten the information on the thinking machines from Barr.

Originally Julius had said that Barr had gone to Belgium to study music.

Julius said that there were others who gave him information relating to electronics. For example, he once told me he had an espionage agent at General Electric who, like all of his other espionage agents, were not members of Communist cells.

On one occasion there was a telephone call from a man whose voice I did not recognize. The caller asked for Julius. I told the caller that Julius was out on business and I told him when Julius could be expected back. When Julius returned I told him about the call and from the facts I related to him, he immediately recognized the caller. A little later the telephone rang again and Julius answered. After Julius hung up he told me that he had to go out to meet the caller who was waiting on the corner, the call having been placed from a nearby telephone booth. I started to go out with Julius, being curious and wishing to see what the caller looked like, knowing from the mysterious circumstances surrounding the call and Rosenberg's reaction to it that the caller was one of Rosenberg's agents. Julius, however, did not want me to go, saying "I do not want you to see this man, so stay in the shop." Julius did not return to work that day.

Q. When did the operation of the Rosenberg ring which had as its purpose the obtaining of radar secrets for Russia stop?—A. As far as I know these operations never stopped and could very possibly be continuing to this very day. When I was with the ARMA Co.—

which Colonel Lotz has named as a Signal Corps contractor, Mr. Chairman—

during 1949 and 1950, working in their research and development department on various fire control gyroscopic and radar apparatus, Julius asked me to obtain information on the projects upon which I was working. I refused.

The CHAIRMAN. Mr. Cohn, I think in connection with the ARMA Corp., the record should show that Mr. Greenglass gave the committee additional leads concerning present employees of ARMA. Those witnesses that have been before the committee, and those uncovered through the information which Mr. Greenglass gave indicate considerable evidence of Communist activity on the part of present employees.

Mr. COHN. That is right, and the last question in here makes it clear there is additional information which Mr. Greenglass gave to the committee which we are in the process of tracking down, and calling in witnesses concerning it. And Mr. Greenglass has said that he will be available when that information has been developed, and we can go back there and complete that picture.

Q. Do you know Vivian Glassman?—A. Yes, I do.

Q. Under what circumstances did you meet Vivian Glassman?—A. I first met Vivian Glassman after the war, around 1946. I met Vivian at Julius' and Ethel's apartment where I was told that she worked for some kind of a board that dealt with backward children. I believe she was employed as a secretary. Vivian, Ethel, and Julius were exceedingly friendly. When, for example, Ethel had to go out Wednesday afternoons on her mysterious business, Vivian took care of the Rosenberg children.

I also met Vivian down at our shop. Joel Barr had some radio equipment and some photographing equipment at our shop. Barr was also building an electronics apparatus of some kind in the shop. Vivian would come to the shop to meet Joel and they would eventually leave together. I later learned from Julius that Joel and Vivian were keeping company together.

Q. Did you believe Vivian Glassman to be a member of the Rosenberg spy ring?—A. After Julius Rosenberg told me about Joel Barr, I knowing about the relationship between Joel Barr and Vivian Glassman, came to the conclusion that Vivian Glassman was involved in some way.

Mr. Chairman, the records, of course, indicate that Vivian Glassman had been employed during the war at Fort Monmouth, and as soon as her health permits she will be a witness before this committee. She has been heard in executive session, as you will recall.

The CHAIRMAN. In view of the fact that Vivian Glassman's attorney informs us that her health will not permit her being present before the committee tomorrow, she having been subpoenaed for tomorrow, I think the record should show that she was before the committee in executive session and was asked whether or not she was a part of the Rosenberg spy ring, and she refused to answer on the ground that a truthful answer might tend to incriminate her, and she was asked about many other activities in connection with espionage at Fort Monmouth, and asked about her connections with people at Fort Monmouth as of today, and connection with some of those who were suspended. And in all of those cases she invoked the fifth amendment. Is that roughly correct, Mr. Cohn?

Mr. COHN. That is exactly correct, Mr. Chairman.

Q. With reference to some of the other information which you have given to Mr. Carr, Mr. Cohn, Mr. Schine, and Mr. Buckley, of the subcommittee staff, will you be agreeable to answering questions in the near future?

A. I am willing to answer any questions and give any information that I may have if in so doing I can help my country and its authorities in exposing what has been done by way of giving Russia our secrets.

That concludes the deposition, Mr. Chairman.

May we have this received in evidence and made a part of the record in these proceedings?

The CHAIRMAN. It will be received and made a part of the record. (The affidavit and deposition referred to were marked "Exhibit No. 1 (a) and (b).")

The CHAIRMAN. I think the record should also show, Mr. Cohn, that you and Mr. Carr and Mr. Schine and Mr. Rogge spent 2 or 3 hours with Mr. Greenglass, and that Mr. Buckley the other day spent an additional 6 hours with him, and that there is considerable infor-

mation given by Mr. Greenglass which is outside of this affidavit; that you did not include the names of people in this affidavit whom we have had no opportunity to call; and I think after they have all been called and all of the leads run down given by Mr. Greenglass, it may well be important to have Mr. Greenglass testify down here in executive session.

We have a great deal of difficulty with working that out, and it will be necessary to have him confront certain witnesses to know whether he recognizes them. We cannot very well take them to the Federal penitentiary at Lewisburg. And there is some reluctance, and I can understand why, on the part of the Justice Department to have him produced here in New York. I think we should proceed to work out some arrangement whereby we can arrange the necessary confrontations between Greenglass and the various witnesses whom he has named.

Mr. COHN. We will take that up with the Justice Department.

Mr. Chairman, with reference to the Greenglass testimony concerning the Rosenberg ring and its operations, and with particular reference to the year 1953, Mr. Carr has procured for the committee a file relating to the witness whom we are about to call, and I wonder if I could ask him one or two questions with reference to that file.

Mr. Carr, have you obtained and has there been made available to the committee the file of a man named Joseph Levitsky, L-e-v-i-t-s-k-y?

Mr. CARR. Yes, there has.

Mr. COHN. Does that file reflect anything concerning Levitsky's employment?

Mr. CARR. Yes, it does.

Mr. COHN. Will you tell us what that shows, briefly?

Mr. CARR. The file reflects that after working for the Philadelphia Signal Corps as an inspector and associate engineer in 1940 through 1943, he obtained employment at the Federal Telecommunications Laboratories, in Nutley, N. J.

Mr. COHN. That Federal Telecommunications, of course, as we know, to which Levitsky transferred in 1943 from the Signal Corps, has been identified by Colonel Lotz as a subcontractor for the Signal Corps, which is today doing Signal Corps work, and which since 1946 has been handling classified contracts for the Signal Corps up to and including the classification of "Secret."

Mr. Carr, does that file reflect how recently Joseph Levitsky has been working at the Federal Telecommunications Laboratories?

Mr. CARR. The last day of February 1953.

Mr. COHN. He has actually been working there into the year 1953, is that right?

Mr. CARR. That is correct.

Mr. COHN. Does the file show whether, when he left there in February of 1953, he was fired or he resigned?

Mr. CARR. No, he resigned.

Mr. COHN. He resigned in February of 1953 from this laboratory, is that right?

Mr. CARR. That is correct.

Mr. COHN. Now, Mr. Carr, does that file include Levitsky's application for transfer from the Signal Corps to the Federal Telecommunications Laboratories?

Mr. CARR. Yes, it does, dated November 6, 1943.

Mr. COHN. November 6, 1943?

Mr. CARR. Yes, sir.

Mr. COHN. And does that file show the names of the people who Mr. Levitsky gave as references to obtain that position for him with the Federal Telecommunications Laboratories?

Mr. CARR. Yes, it does.

Mr. COHN. Would you direct your attention to the last name, the last reference given by Mr. Levitsky to obtain that position, on that application?

Mr. CARR. Yes. The name is Mr. Julius Rosenberg, 10 Monroe Street, New York City.

Mr. COHN. Mr. Chairman, the record of the Rosenberg trial, a copy of which we have, indicates that the Julius Rosenberg of 10 Monroe Street is the Julius Rosenberg who was convicted and executed for a conspiracy to commit espionage against the United States, in an indictment in which Mr. Greenglass, whose testimony was read here, was named as a codefendant.

We believe this Mr. Levitsky is of particular importance in view of the fact Rosenberg was given as a reference for Levitsky in obtaining this position, and the fact that Levitsky was allowed to remain in this position until the year 1953, and that when he left, he left under his own power, having resigned.

I would now ask, Mr. Chairman, if we may call Mr. Levitsky as the next witness.

Mr. Chairman, before Mr. Levitsky is called, you correctly called to my attention the fact that we should place in the record at this point, before Mr. Levitsky is called—and Mr. Levitsky has been advised of this—that he has been named in sworn testimony before the committee as a Communist. That testimony is the testimony of a man named Carl Greenblum, G-r-e-e-n-b-l-u-m, and he has testified in executive session. On pages 1063 to 1065, you will recall he first denied knowledge that Levitsky was a Communist and had been a Communist, and denied completely any knowledge of that; and that afterward he was emotionally upset and left the room, and came back in again and said he had been hiding his association with Levitsky, and then proceeded to testify in pertinent part as follows, page 1079 of the record:

I want to start afresh, and I want to explain the circumstances of coming here and trying to hide an association with Levitsky, who I know to be a Communist. I know him to be a Communist because he told me he was a Communist.

That is with reference to Joseph Levitsky.

I wonder, with that in the record, if we may have Mr. Levitsky as a witness before the committee.

The CHAIRMAN. I think Mr. Levitsky should have the information that the testimony in executive session shows Mr. Levitsky had about as close an association as anyone could possibly have with the Rosenberg spy ring.

Mr. COHN. There is detailed testimony on that in the record, of Mr. Levitsky's close personal association with Julius Rosenberg over a period of years.

The CHAIRMAN. Mr. Levitsky, will you take the stand?

(The witness Levitsky, accompanied by his counsel, Leonard B. Boudin, approached the witness stand.)

Mr. BOUDIN. I request that the television be turned off, and the motion-picture camera be turned off, and in view of the fact I advised the committee yesterday that I objected to the procedure to employ a wire recorder, I request that be turned off.

The CHAIRMAN. The witness is entitled to have the television cameras turned away from him.

Mr. BOUDIN. And the motion pictures please, and the still cameras.

The CHAIRMAN. The cameramen will take no pictures. Did you hear me, gentlemen? No more pictures will be taken of the witness. That includes all of the time that he is in the hearing room.

The television cameramen are informed that the rule of the committee is that where a witness does not want his picture taken by television or motion-picture cameras, the cameras will not be turned upon him. The cameras can be used in any other part of the room, however, but you will turn them on no part of the witness' body.

Mr. BOUDIN. I think the cameras can be turned on the chairman, and I have no objection to the chairman having pictures taken.

The CHAIRMAN. How about counsel?

Mr. BOUDIN. Counsel does not need the pictures.

The CHAIRMAN. Does counsel object to his own picture being taken?

Mr. BOUDIN. Counsel does not need the publicity.

The CHAIRMAN. Does counsel object to his own picture being taken?

Mr. BOUDIN. Counsel does not need the publicity.

The CHAIRMAN. Then counsel's picture will not be taken either.

Mr. BOUDIN. May I request the lights be turned off me.

The CHAIRMAN. Do not turn the lights on the witness or upon counsel, if he is light shy.

Will you stand and raise your right hand, Mr. Levitsky? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVITSKY. I do.

TESTIMONY OF JOSEPH LEVITSKY

Mr. BOUDIN. I do not want to throw the room into complete darkness, more than before. It is a little better but it really isn't very good. Those lights in particular should be turned a little more on the chairman, and off me.

Mr. COHN. I do not know about the affirmative part of your suggestion, but the negative part we will be glad to comply with.

Will the record indicate that the counsel for the witness is Mr. Leonard Boudin.

Mr. BOUDIN. May I interrupt you again. The lights are still on me.

The CHAIRMAN. Are the lights blinding you?

Mr. BOUDIN. No; but they are in my eyes and I would like to have them turned off me.

The CHAIRMAN. There is no light on you.

Mr. BOUDIN. I can only handle one chairman, and may I request the lights be not turned on either me or Mr. Levitsky.

The CHAIRMAN. I cannot see that they are in your eyes, but if you can swing them away a bit more, it will be good.

Are you comfortable now, Mr. Boudin?

Mr. BOUDIN. I think perhaps if I got on the other side, that will be all right.

The CHAIRMAN. You may do that. Do you feel better now?

Mr. BOUDIN. No. I must again request that all of those lights be turned out, and that we simply have a normal courtroom light, and that your instructions with respect to pictures be followed. May I call your attention to the fact that your instructions with respect to the taking of photographs have not been followed and are not being followed now.

The CHAIRMAN. There will be no pictures taken.

May I say in regard to television cameras that the committee has considered that problem very carefully, and we feel we do not have the right to exclude from the room any media of information, and we feel we cannot exclude television any more than we can exclude newsmen. However, the television must be handled in such a way that it will not embarrass the witness, and will not cause him any discomfort. Also, counsel is entitled not to have any bright lights shined upon him. I cannot see that the light is bright down there, but if you still object I will ask the newsmen to try and shift your lights over away from counsel. Can you turn those lights a little more?

Mr. COHN. May we get your full name, please, sir?

Mr. LEVITSKY. Joseph Levitsky.

Mr. COHN. Could you speak a little louder? That is L-e-v-i-t-s-k-y?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. Where do you reside, sir?

Mr. LEVITSKY. At 65 Rutgers Place, River Edge, N. J.

Mr. COHN. Mr. Levitsky, did you work at one time for the Signal Corps?

Mr. LEVITSKY. Yes, I did.

Mr. COHN. And during what years were you with the Signal Corps itself?

Mr. LEVITSKY. From 1940 to 1943.

Mr. COHN. And in 1943 did you transfer someplace, to someplace else?

Mr. LEVITSKY. That is right.

Mr. COHN. Where?

Mr. LEVITSKY. The Federal Telecommunication Laboratories.

Mr. COHN. Where are they located?

Mr. LEVITSKY. Now they are located at Nutley, N. J.

Mr. COHN. Were you working at the Federal Telecommunication Laboratories in Nutley, N. J., as of February of 1953, this year?

Mr. LEVITSKY. That is right.

Mr. COHN. You were?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. When you left there, did you resign?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. You were not fired, you resigned?

Mr. LEVITSKY. That is right.

Mr. COHN. Mr. Levitsky, when you were with the Signal Corps itself, were you working on classified information? Did you have access to classified information?

Mr. LEVITSKY. I believe I did.

Mr. COHN. When you were with Federal Telecommunications Laboratory, did you have access to classified information?

Mr. LEVITSKY. Yes.

The CHAIRMAN. Mr. Levitsky, very serious charges have been made against you here in executive session, and charges of association with an espionage ring and charges of espionage, and charges of membership in a Communist conspiracy. The committee was very careful not to have those made public until you were here and had a chance to deny the very serious charges. You are here this morning and you will be given that opportunity.

Let me ask you first, did Julius Rosenberg help you to get your job at the Signal Corps or at Telecommunications?

(The witness consulted with his counsel.)

Mr. LEVITSKY. Senator, you have stated that serious charges have been made against me.

The CHAIRMAN. Did Julius Rosenberg help you to get your job at Telecommunications or at the Signal Corps laboratory?

(The witness consulted with his counsel.)

Mr. LEVITSKY. Except for the fact that I happened to put his name down in the application, he had absolutely nothing to do with my getting that job as far as I know at Federal.

The CHAIRMAN. Did you give him as a reference?

Mr. LEVITSKY. I am told, and I don't recollect that myself, but I am told that I did give him as a reference.

The CHAIRMAN. Well, to refresh your recollection, I will hand you your application in your own handwriting and ask you whether or not you did give Julius Rosenberg as your reference to get this job.

Mr. LEVITSKY. It appears to have my name, and I guess I did.

The CHAIRMAN. Do you know whether you did or not?

Mr. LEVITSKY. I did, yes, sir.

The CHAIRMAN. You did?

Mr. LEVITSKY. Yes, sir.

The CHAIRMAN. Did you know Rosenberg when you gave his name as your reference?

(The witness consulted with his counsel.)

Mr. LEVITSKY. You mean, was I acquainted with him?

The CHAIRMAN. Yes.

Mr. LEVITSKY. Yes.

The CHAIRMAN. You were?

Mr. LEVITSKY. Yes.

The CHAIRMAN. How well did you know Rosenberg?

(The witness consulted with his counsel.)

Mr. LEVITSKY. I just don't understand what that means—"How well do I know Rosenberg?"

The CHAIRMAN. You don't understand that?

Mr. LEVITSKY. Would you be more specific? It is a general question, and I don't want to have to answer that.

The CHAIRMAN. Were you a member of the Communist Party with Julius Rosenberg? Will that help you out?

Mr. LEVITSKY. I would like to state my reasons for declining to answer that question.

The CHAIRMAN. You may do so.

Mr. LEVITSKY. I decline to answer the question on the grounds that this subcommittee is not engaged in a bona fide legislative inquiry, but in the criminal investigation constitutionally within the exclusive jurisdiction of a grand jury.

Two, the committee having taken testimony on this subject in executive session is not fulfilling legislative functions by repeating this process in public.

The committee's jurisdiction is limited under the Senate rules and the Legislative Reorganization Act to matters of efficiency and economy in Government, and subversive activities are under the jurisdiction of another Senate committee, if under any committee jurisdiction.

Four, that from the committee's press statements after my previous testimony, regarding the alleged conflicts between mine and other testimony, and from the nature of this investigation, it is clear that although I am innocent of any crime, it is seeking to entrap me and ensnare me, and I therefore rely upon my constitutional privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Did a member of the Communist Party write that statement for you?

(The witness consulted his counsel.)

Mr. LEVITSKY. Are you serious in asking that question?

The CHAIRMAN. Read the question, Mr. Reporter.

(Whereupon the question was read by the reporter, as above recorded.)

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer that question for all of the reasons given in the statement above.

The CHAIRMAN. Your grounds for refusal will be overruled, except if you refuse on the basis of that part of the fifth amendment which deals with self-incrimination. Are you invoking that part of the fifth amendment?

Mr. LEVITSKY. I am invoking my entire statement, including the fifth amendment.

The CHAIRMAN. Are you invoking that part of the fifth amendment that deals with self-incrimination? That is the only part that you can invoke.

(The witness consulted his counsel.)

Mr. LEVITSKY. I am invoking all of my reasons including the fifth amendment.

The CHAIRMAN. Do you feel that your answer to this question might tend to incriminate you?

Mr. LEVITSKY. Have explained my reasons for answering as I did, and I am advised by counsel that I am not required to adopt your formulation.

The CHAIRMAN. Do I understand you are refusing to tell me whether or not—

Mr. LEVITSKY. I am sorry. However, I didn't finish. To avoid further harassment, I will adopt your formulation and say "Yes."

The CHAIRMAN. Did you ever sign a statement which read as follows—this being part of the application for membership in the Communist Party:

The undersigned declares his adherence to the program and statutes of the Communist International and the Communist Party of the U. S. A., and agrees to submit to the discipline of the party and to engage actively in its work.

That is signed "Levitsky." Did you ever sign such a statement?

(The witness consulted his counsel.)

Mr. LEVITSKY. Could you please tell me what you are reading, and please tell me or show me the document that you are reading, if any?

The CHAIRMAN. Do you know whether you ever signed such a statement?

(The witness consulted his counsel.)

Mr. LEVITSKY. Could you before I give my answer show me such a statement, if there is any.

The CHAIRMAN. Do you want to know whether you can run the risk of committing perjury before you answer? I am asking you whether you ever signed such a statement.

Mr. LEVITSKY. If there is such a statement, I would like to see it.

The CHAIRMAN. Did you ever sign such a statement? Let us put it this way: If you don't recall what the pledge was, did you ever sign a pledge generally pledging support to the Communist Party along the lines that I have read to you?

Mr. LEVITSKY. I decline to answer that question for all of the reasons previously given, including the fifth amendment.

The CHAIRMAN. Including the grounds of self-incrimination?

Mr. LEVITSKY. That is right.

The CHAIRMAN. Are you a member of the Communist Party, or rather were you a member of the Communist Party while you were handling classified material for the Government?

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer the question for the reasons previously given.

Mr. COHN. Mr. Levitsky, were you a member of a Communist ring with Julius Rosenberg?

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer for the reasons given above, including the fifth amendment.

Mr. COHN. Mr. Levitsky, were you engaged in a conspiracy to commit espionage?

(The witness consulted his counsel.)

Mr. LEVITSKY. I have previously denied in executive session that I have ever committed any acts of espionage, and I see no reason why this question is asked at this public hearing.

Mr. COHN. You are being asked now whether you were engaged in a conspiracy to commit espionage, and after you answer that question we will go into great detail about that.

The CHAIRMAN. Now, if you did not engage in such a conspiracy to commit espionage, here is your chance to deny it under oath.

(The witness consulted his counsel.)

Mr. LEVITSKY. Can you please give me an idea of what you regard as conspiracy to commit espionage?

Mr. COHN. I wouldn't know, Mr. Levitsky. I think that you can answer that question without any difficulty for us.

Have you engaged in a conspiracy to commit espionage? I will withdraw the question, and I will take what you say on good faith, and I will withdraw that question and ask you another question first: Did you ever ask any other person to commit espionage?

Mr. LEVITSKY. If you have anything particularly in mind, could you please specify it?

Mr. COHN. We don't have to tell you what we have in mind, and what evidence we have. We are asking you, who are the witness and the person involved, whether or not you asked anybody to commit espionage.

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer for the reasons given above, including the fifth amendment.

The CHAIRMAN. Did you know a Mr. Carl Greenblum?

Mr. LEVITSKY. Yes, I did.

Mr. COHN. Did you take Mr. Greenblum to a meeting in New York where you introduced him to three members of an espionage ring, of the Rosenberg espionage ring?

Mr. LEVITSKY. I decline to answer on the grounds given above, including the fifth amendment.

Mr. COHN. Did you take anybody from New Jersey to New York to a restaurant on 38th Street, and introduce them to William Perl, a member of the Rosenberg ring?

Mr. LEVITSKY. I decline to answer for the reasons given above in my statement, including the fifth amendment.

Mr. COHN. Did you following Julius Rosenberg's arrest on espionage charges, when asked whether or not you had been involved in espionage with Rosenberg, did you state as follows: "Yes, and but for the grace of God, there go I."

(The witness consulted his counsel.)

Mr. LEVITSKY. Is that question asked seriously?

Mr. COHN. That question is asked very seriously.

(The witness consulted his counsel.)

Mr. LEVITSKY. Can you put into evidence then where, when, and to whom I made that statement?

Mr. COHN. Mr. Levitsky, if you did not make that statement, tell us "No, I did not make that statement," and if you didn't ask anybody to commit espionage, tell us so; and if you did not take anyone to this meeting on 38th Street, say "No" to each question, and that will end that.

Mr. LEVITSKY. Do you refuse to specify where, when, and to whom I made that statement?

The CHAIRMAN. Counsel is instructed not to give the witness any further information. We have seen you Communists come before this committee so often trying to find out what information we have so that you will know whether you can safely commit perjury or not, and you are not being given any such protection before this committee.

You have been asked a very simple question, of whether you made a statement of this nature. If you made a statement of this nature, you know you made it.

Mr. LEVITSKY. I decline to answer on the basis of my statement made previously, including the fifth amendment.

Mr. COHN. Did you in July of 1953 make a trip to New Jersey, and visit three people and ask them to engage in espionage?

(The witness consulted with his counsel.)

Mr. LEVITSKY. I decline to answer for the reasons given above.

Mr. COHN. Did you ask persons who were employed at Fort Monmouth, in the Signal Corps, to engage in espionage?

Mr. LEVITSKY. I decline for the same reason.

The CHAIRMAN. Do you feel that your answer might tend to incriminate you?

(The witness consulted with his counsel.)

Mr. LEVITSKY. I am advised by counsel that I need not adopt your formulation of this matter.

The CHAIRMAN. I am asking you a simple question: Do you feel that your answer might tend to incriminate you? If you do, you are entitled to the fifth amendment privilege, and if not you are not entitled to the fifth amendment privilege.

So that the witness will further understand the position of the Chair, you have given various reasons for refusing to answer. All of them are invalid. The only valid ground for refusal to answer this question is if you feel the answer might tend to incriminate you.

And so I will ask you the simple question: Do you feel the answer might tend to incriminate you, and if not you will be ordered to answer the question.

(The witness consulted his counsel.)

Mr. LEVITSKY. In the context of this investigation, and the statements made to the press by Mr. Cohn earlier, the answer is "Yes, it might tend to incriminate me."

The CHAIRMAN. Then you are entitled to the fifth amendment privilege.

Mr. COHN. In February of 1953, when you were working at the Federal Telecommunications Laboratory, were you a Communist?

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer for the reasons given above.

Mr. COHN. Since you resigned from the Federal Telecommunications Laboratory, have you asked any person working there to commit espionage?

Mr. LEVITSKY. I decline to answer for the reasons given above.

Mr. COHN. Since you left the Federal Telecommunications Laboratory, have you asked any persons working at Fort Monmouth to commit espionage?

Mr. LEVITSKY. I decline to answer for the same reason.

Mr. COHN. Specifically, on March 9, and March 11, of 1953, were you in communication with a man named Harry Hyman?

Mr. BOUDIN. Excuse me a moment.

The CHAIRMAN. We will give you all of the time you want.

(The witness consulted his counsel.)

Mr. BOUDIN. Could we have the question repeated?

(Whereupon the pending question was then read by the reporter, as above recorded.)

Mr. LEVITSKY. I decline to answer for the reasons given above.

Mr. COHN. Did you and Harry Hyman in March of 1953, discuss recruiting people into a Communist espionage ring?

(The witness consulted his counsel.)

Mr. LEVITSKY. Are you serious about that question?

Mr. COHN. We are serious about every question that we have asked you here, starting from the application which you made giving Julius Rosenberg as a reference, through every other question that has been asked you at this hearing.

Mr. LEVITSKY. I decline to answer that question.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. LEVITSKY. On the grounds given above in my statement.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. Do you have the telephone number Hubbard 7-1932?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. Was that your telephone number in March of 1953?

Mr. LEVITSKY. Yes, sir.

Mr. COHN. Were you present at a meeting attended by Communist underground leaders at which Mr. Hyman was also present in March of 1953?

Mr. LEVITSKY. I decline to answer on the same grounds.

The CHAIRMAN. Mr. Boudin, you are ordered to produce Mr. Hyman at 10:30 tomorrow morning, and Mr. Hyman, as I understand, is your client and he is under subpoena.

Mr. BOUDIN. I object to the fact that instructions to produce another client of mine is given to me in a public hearing when I am representing this client. It seems to me that the committee should be aware of the responsibilities of attorneys and can understand that this attempt to relate one client to another through the attorney is improper. I want to strongly state my objections to this sort of procedure. It has occurred before before this committee. If a request is made that a witness be produced, one I have represented in other sessions, that request can be made to me after a hearing and can be made to me by telephone, and Mr. Cohn has always been able to get clients of mine when he wanted them, if I represented them.

I am sorry, but I will not accept an instruction of this kind made at a public hearing in this context, and I consider it highly improper.

The CHAIRMAN. You are ordered to have Mr. Hyman here at 10:30 tomorrow morning.

Mr. BOUDIN. I am sorry.

The CHAIRMAN. You are ordered to produce Mr. Hyman tomorrow morning at 10:30, and you are reminded that the last time Mr. Hyman was present, as he left the stand, the chairman told him he was still under subpoena, and we asked him how it would be easiest for him and for you to be ordered to come back, and at that time you agreed that instead of our serving another subpoena upon Mr. Hyman, if we would notify you and give you 24 hours' notice, or thereabouts, that you would produce him. Now you are ordered to produce him at 10:30 tomorrow morning.

Mr. BOUDIN. Will the record show that your statement is incorrect, and if you will look at the transcript of Hyman here, you will see you are in error.

The CHAIRMAN. Are you Mr. Hyman's counsel?

Mr. BOUDIN. I was his counsel in the executive session, and if a call were made to me which will not be an attempt to embarrass this witness, such as is being done now, of course I will produce Mr. Hyman or any other client. But I object to the procedure followed at the present time.

The CHAIRMAN. If you don't produce Mr. Hyman, I will ask the committee to hold you in contempt.

Mr. BOUDIN. You can't hold an attorney in contempt in a proceeding like this and you know that.

The CHAIRMAN. Shall we proceed?

Mr. BOUDIN. Very well.

The CHAIRMAN. Is Mr. Hyman known to you to be a member of the Communist underground?

Mr. LEVITSKY. I decline to answer for the reasons given above.

The CHAIRMAN. Do you know whether Hyman is an espionage agent as of today?

Mr. LEVITSKY. I decline to answer.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. LEVITSKY. On the reasons given above.

The CHAIRMAN. When you say "the reasons given above," you mean one of the reasons is the ground of self-incrimination?

Mr. LEVITSKY. Yes; and I am asserting all of the other reasons I gave.

The CHAIRMAN. When did you last see Hyman?

(The witness consulted his counsel.)

Mr. LEVITSKY. The fifth amendment.

The CHAIRMAN. Have you discussed espionage with Hyman within the last 30 days?

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer on all of the grounds previously given.

The CHAIRMAN. Have you been in telephone contact with Mr. Hyman on at least three different occasions since the first of this year?

(The witness consulted his counsel.)

Mr. LEVITSKY. I decline to answer for the reason given previously.

The CHAIRMAN. You will be ordered to return here tomorrow morning at 10:30 and Mr. Hyman will also be present.

We will now adjourn until 10:30 tomorrow morning.

(Whereupon, at 12 noon, the hearing was adjourned, to reconvene again the following morning, Wednesday, November 25, 1953, at 10:30 a. m.)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

WEDNESDAY, NOVEMBER 25, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
New York City, N. Y.

The subcommittee met at 10:55 a. m., pursuant to recess, in room 110, Federal Building, Foley Square, New York City, N. Y., Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Harold Rainville, administrative assistant to Senator Dirksen.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Thomas W. LaVenia, assistant counsel; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. The committee will be in order.

Is Marcel Ullmann in the room?

(No response.)

The CHAIRMAN. Mr. Harry Hyman? Will you step forward, Mr. Hyman?

(The Witness Hyman, accompanied by his counsel, Leonard B. Boudin, approached the witness stand.)

The CHAIRMAN. Mr. Hyman, if you have any objection to the pictures—

Mr. BOUDIN. Very definitely objections to the picture being taken now, as well, sir.

The CHAIRMAN. If the witness objects to pictures being taken, no pictures will be taken—and that means no pictures will be taken.

Mr. BOUDIN. Could we have the lights out, please?

The CHAIRMAN. Will you turn the lights off the witness? Will you stand and raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth the whole truth, and nothing but the truth, so help you God?

Mr. HYMAN. I do.

TESTIMONY OF HARRY A. HYMAN

The CHAIRMAN. I may say I am very happy to have with us today Mr. Rainville, Senator Dirksen's administrative assistant, and Mr. Rainville will feel free to take the same part in the proceedings that Senator Dirksen would take if he were here.

All right, Mr. Counsel.

Mr. COHN. May we get your full name, please, Mr. Hyman?

Mr. HYMAN. I would like to first make a statement objecting to the jurisdiction of the committee.

Mr. COHN. Will you first give us, for the record, your full name, so we will know who is making the statement.

Mr. HYMAN. Harry A. Hyman.

Mr. COHN. Could you give us your address, and then make your statement?

Mr. HYMAN. 719 East Ninth Street.

Mr. COHN. New York?

Mr. HYMAN. New York.

The CHAIRMAN. You may make your statement.

Mr. HYMAN. In objecting to the jurisdiction of this committee, I decline to answer any questions on the subject of crime. That is a grand jury matter, outside the committee's jurisdiction. No charges have ever been made against me in accordance with the constitutional procedure, since I have not committed any crime, and this committee cannot constitutionally make and investigate criminal charges.

I further decline to answer any questions because, having heard my testimony in executive session, the present duplicating hearing is obviously for a political and not a legislative purpose.

I further contest the jurisdiction of the committee, which is limited under the standing rules of the Senate, rule 25, to the economy and efficiency of Government operations.

Finally, I contest the jurisdiction of the committee, and decline to answer its questions on the ground that no person is required, under the Constitution, to be a witness against himself, amendment V; and is entitled, if such evidence exists, to be confronted with it before response to charges, amendment No. VI.

The CHAIRMAN. May I say, Mr. Hyman, that you will be allowed to refuse to answer questions on one ground only, and that is if you feel that a truthful answer would tend to incriminate you.

We have had testimony from a number of witnesses under oath that you, as of today, are an undercover spy for the Communists. That is the reason you are here this morning. You will be given a chance to refute that and you will be given a chance to tell us whether it is true or false.

You see, if you were not called today, and the other witnesses were called who would name you as a spy and traitor to your country, then you would be screaming to high heaven that you had no chance to answer. You are here in order to give you an opportunity, under oath, to tell us whether or not the charges made against you are true or false.

Mr. COHN. Mr. Hyman, at the present time do you have two businesses?

(The witness conferred with his counsel.)

Mr. HYMAN. In view of all of the statements made by the chairman, and for the reasons that I have previously stated, I decline to answer the question.

Mr. COHN. Let me ask you this, sir: Is it a fact that you are in the insurance business, and at the same time a paid functionary of the Communist Party of the United States?

(The witness consulted with his counsel.)

Mr. HYMAN. In view of the chairman's statements, and the reasons as I stated before, I decline to answer the question.

The CHAIRMAN. You will be ordered to answer. You are not entitled to refuse unless you invoke that section of the fifth amendment against self-incrimination.

(The witness conferred with his counsel.)

Mr. HYMAN. I believe the Chair will remember my statement. I included that in my statement.

The CHAIRMAN. You mean you are refusing on the grounds that your answer might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. The formulation was already in my prepared statement, and I decline to answer under the grounds so stated.

The CHAIRMAN. Do you feel that your answer might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. It is my understanding that I don't have to adopt that formulation, and no other committee uses it except this one; that the formulation that I have used in my own prepared statement is adequate.

The CHAIRMAN. Are you refusing to tell the Chair whether or not you feel the answer to counsel's question would tend to incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. At your insistence, I will adopt your formulation, although under protest.

The CHAIRMAN. Do you feel that your answer might tend to incriminate you?

Mr. HYMAN. The answer is "Yes," under protest.

The CHAIRMAN. Either you feel the answer would tend to incriminate you, or not.

Mr. HYMAN. As I stated before, I have already made my formulation, and you choose another one, and I feel my formulation is adequate; and if you insist on yours, the answer is "Yes."

The CHAIRMAN. I want to know whether or not you honestly feel that your answer might tend to incriminate you. Is the answer "Yes"?

(The witness conferred with his counsel.)

The CHAIRMAN. It is the only ground upon which you can refuse to answer here.

Mr. HYMAN. In view of the statements made by you at the outset of the hearing, the answer is obviously "Yes".

Mr. COHN. Mr. Hyman, have you until late in 1951 been working on Signal Corps work at the Federal Telecommunications Laboratory in Nutley, N. J.?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Isn't it a fact that public records indicate that you until 10-31-51, were working on Signal Corps work at the Federal Telecommunications Laboratory at Nutley, N. J.?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer under the same grounds.

The CHAIRMAN. May I say, Mr. Counsel, normally he would not be entitled to decline as to employment, but in view of the extensive

evidence of his having engaged in espionage at that time, I believe he would be entitled to the fifth amendment.

Mr. COHN. Mr. Chairman, I would like at this time to note for the record that the file which has been made available to this committee by the Defense Department and the Federal Telecommunications Laboratory shows that Mr. Hyman was employed and was working on Signal Corps work there, and that his employment was from 1943 until 10-31-51.

Mr. HYMAN. Will you also present evidence as to my espionage activities, as you put it?

The CHAIRMAN. You have a chance to tell us whether you engaged in espionage.

Mr. HYMAN. You made the charges.

The CHAIRMAN. Were you engaged in espionage?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. On the grounds a truthful answer might tend to incriminate you?

Mr. HYMAN. I decline to answer on the same grounds as on the other questions.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. HYMAN. That is right.

The CHAIRMAN. You are entitled to the fifth amendment.

I think it would be a great thing if some of you individuals were over in Russia, and if you were taking a fifth amendment as to spying against Communist Russia. You wouldn't last very long.

Mr. COHN. Mr. Hyman, when you left the Federal Telecommunications Laboratory, you left there voluntarily, did you not, by resignation?

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Since you left there, and up through and including the present moment, have you been in communication with people still working at the Federal Telecommunications Laboratory, and working at the Evans Signal Laboratory in Fort Monmouth?

The CHAIRMAN. Do not turn the lights on the witness.

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer the question, because it deals with the subject of crime, and that is a grand jury matter outside the committee's jurisdiction. No charges have been made against me in accordance with constitutional procedure, since I have not committed any crime, and this committee cannot constitutionally make and investigate criminal charges.

I further decline to answer any questions because, having heard my testimony in executive session, the present duplicating hearing is obviously for a political and not a legislative purpose.

I further contest the jurisdiction of this committee, which is limited under the standing rules of the Senate, rule 25, to the economy and efficiency of Government operations.

Finally, I contest the jurisdiction of the committee and decline to answer its questions on the ground that no person is required, under the Constitution, to be a witness against himself, amendment V; and is entitled, if such evidence exists, to be confronted with it before response to charges, amendment VI.

The CHAIRMAN. Now, you say that you think this is a function of the grand jury. We can very easily have you transferred over to a grand jury, and do you want to tell the committee today that you will answer these questions before a grand jury? In other words, will you tell a grand jury about your activities for the Communist Party, whether or not you have been spying, and whether or not you are an espionage agent?

Mr. HYMAN. I wasn't aware this committee had any connection with a grand jury.

The CHAIRMAN. We can refer a case to the grand jury, and you have said that you think this is a function of the grand jury. I now ask you the simple question: If we ask the grand jury to call you tomorrow, will you agree to answer the questions as to your espionage activities?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Mr. Hyman, in the month of October 1953, did you ask persons working at Federal Telecommunications Laboratory and at Fort Monmouth to give to you classified information from the Army Signal Corps?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline for the reasons already stated.

Mr. COHN. Did you have a meeting at your home to plan out espionage activities, attended by Howard "Stretch" Johnson, one of the top leaders of the Communist Party of New York, Jack Banks—

Mr. BOUDIN. Will you spell those names?

Mr. COHN. Howard Johnson, known as "Stretch" Johnson, J-o-h-n-s-o-n; Jack Banks, B-a-n-k-s; and Sandy Smith of the Philadelphia Communist Party. Did those three persons attend a meeting in your home in which the obtaining of classified information from the Army Signal Corps was discussed?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Were you in March of 1953 discussing with Joseph Levitsky the obtaining of classified information from the Army Signal Corps?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

Mr. COHN. Are you engaged in espionage today?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer any questions on the subject of crime. That is a grand jury matter, outside the committee's jurisdiction.

Mr. COHN. Will you tell the grand jury—

Mr. HYMAN. May I continue my statement?

Mr. COHN. I would like to know at that point, now, just to take that very first point: If we refer this to a Federal grand jury and they agree to hear you this morning or tomorrow, will you answer the identical questions concerning Communist and espionage activities before the grand jury?

(The witness conferred with his counsel.)

Mr. HYMAN. My conduct before the grand jury will be determined at that time, and this committee hasn't got any authority with reference to that.

The CHAIRMAN. Did a soldier from the Aberdeen Proving Grounds make a collect call to you on November 18, 1952, in regard to the work he was doing at Aberdeen?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Mr. Cohn, will you arrange to have the soldier who made the call subpoenaed?

Mr. COHN. That has been done. We have asked the Army to produce him in executive session.

The CHAIRMAN. Do you think this is funny?

Mr. HYMAN. No. I think it is—it is really an outrageous affair.

The CHAIRMAN. I know it is outrageous, to call a Communist spy before this committee and ask him questions. It is a great invasion of your rights.

Did you make a total of approximately 76 calls to the Federal Telecommunications Laboratory in the last year, specifically between January 24, 1952, and the present date?

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Were you discussing espionage in those phone calls?

Mr. HYMAN. I decline to answer any questions on the subject of crime. That is a grand jury matter, outside the committee's jurisdiction.

The CHAIRMAN. Do you feel if you told the truth about this it would incriminate you?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the grounds that my answer might tend to incriminate me.

The CHAIRMAN. How old are you?

(The witness conferred with his counsel.)

Mr. HYMAN. Thirty-one.

The CHAIRMAN. How tall are you?

(The witness conferred with his counsel.)

The CHAIRMAN. Strike the last question.

Did you make a total of 242 calls between October of 1951 and September of 1953 to the Federal Telephone & Radio Corp., at Clifton, N. J.?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Did you make calls to the United States Government Navy Air Rocket Testing Station at Lake Denmark, at Dover, N. J.?

Mr. BOUDIN. Would the first name be spelled, please?

The CHAIRMAN. It is the Navy Air Rocket Testing Station at Lake Denmark, Dover, N. J. Did you make calls to that place?

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. Specifically, did you make a call there on January 2, 1953?

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. The grounds of self-incrimination?

Mr. HYMAN. That's right.

The CHAIRMAN. Did you make approximately eight calls to the United States Government Department of the Air Force at Newark, N. J., between August 1953 and October of 1953?

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. Who is your espionage contact at that place?

Mr. HYMAN. I decline to answer any questions on the subject of crime. That is a grand jury matter outside the committee's jurisdiction. No charges have ever been made against me in accordance with the constitutional procedure, since I have not committed any crime, and this committee cannot constitutionally make and investigate criminal charges.

The CHAIRMAN. Do you advocate the overthrow of our Constitution by force and violence?

(The witness conferred with his counsel.)

Mr. HYMAN. Under what rule of the Senate are you making that inquiry, please?

The CHAIRMAN. You are relying upon the Constitution today, and I asked you the simple question: Do you advocate the destruction of that Constitution?

Mr. HYMAN. I decline to answer for the grounds previously stated.

The CHAIRMAN. The grounds of self-incrimination?

Mr. HYMAN. That is correct.

The CHAIRMAN. Do you feel that if you were to tell us who your espionage contact is at the Air Force Base in Newark, N. J., that it would tend to incriminate you?

Mr. BOUDIN. Could we have the question repeated?

(The question was read by the reporter.)

(The witness conferred with his counsel.)

Mr. HYMAN. I decline to answer for the reasons already stated.

The CHAIRMAN. You feel that the answer would tend to incriminate you?

Mr. HYMAN. That is right.

The CHAIRMAN. Did you make approximately 40 calls between January 23, 1953, and October 13, 1953, to the Department of the Air Force Transportation Control Depot, at Newark, N. J.?

Mr. HYMAN. I decline to answer for the grounds already stated.

The CHAIRMAN. Did you make a call on January 26, 1953, to the Office of the New York District Engineer, Department of the Army?

Mr. HYMAN. I decline to answer for the grounds previously stated.

The CHAIRMAN. Are you an undercover espionage agent for the Communists as of today?

Mr. HYMAN. I decline to answer for the reasons already given.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. HYMAN. That is correct.

The CHAIRMAN. Did you make a number of calls between March 16, 1953, and the present date, to the Electronic Research Associates, Inc., at North Caldwell, N. J.?

(The witness conferred with his counsel.)

Mr. BOUDIN. What is the name of that company?

The CHAIRMAN. Do you recognize the name of the company, Mr. Hyman?

Mr. HYMAN. I decline to answer for the grounds already stated.

The CHAIRMAN. Who is your espionage contact in that company?

Mr. HYMAN. I decline to answer for the reasons already stated.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. HYMAN. That is correct, and the other grounds in my prepared statement.

The CHAIRMAN. We will have the record show that this witness made a sizable number of calls between March 16, 1953, and the present date, to the Electronics Research Associates, Inc., North Caldwell, N. J.; and that he called the New York District Engineers Office, the Department of the Army, January 26, 1953; and that he made 40 calls between January 23, 1953, and October 13, 1953, to the Department of the Air Force, Transportation Control Depot, Newark, N. J.; and that he made 8 calls to the Department of the Air Force, Newark, N. J., between August 10, 1953, and October 6, 1953; and that he made calls to the United States Government Navy Air Rocket Test Station at Lake Denmark, Dover, N. J.; that he made a total of 76 calls to the Federal Telecommunications Laboratories between January 24, 1952, and October 21, 1953.

We have here today what would appear to be one of the most active Communist espionage agents that we have run down, to date, and he has been given a chance to tell whether it is true that he is a Communist spy or not, and he takes advantage of the Constitution which he apparently is working to destroy.

Unfortunately, under the fifth amendment, he has the right to protect a conspiracy, and the fifth amendment was not intended for that. It was intended to protect only individuals.

Mr. Counsel?

Mr. COHN. Mr. Hyman, have you made a number of trips to Fort Monmouth within the last 2 months?

Mr. HYMAN. I decline to answer for the grounds previously given.

Mr. COHN. Did you on October 23 of this year, make a trip to Fort Monmouth and meet a person outside of the gates of the Evans Signal Laboratory at Fort Monmouth?

Mr. HYMAN. I decline to answer for the reasons previously given.

The CHAIRMAN. Do you feel if you were to tell us the truth as to whether or not on October 23 of this year, you journeyed to Fort Monmouth and met a man outside the gates of the Evans Laboratory, that that answer might tend to incriminate you?

Mr. HYMAN. I have already stated my reasons fully, and they included the grounds of self-incrimination.

The CHAIRMAN. Answer the question.

Mr. HYMAN. What is the question, please?

The CHAIRMAN. Read the question.

(The question was read by the reporter.)

(The witness conferred with his counsel.)

Mr. HYMAN. In view of the unsupported charges made by the chairman, the answer to the question is "Yes."

The CHAIRMAN. You say "unsupported charges." Are you not an espionage agent on the payroll of the Communist Party as of this moment?

Mr. HYMAN. If you have any evidence, you can produce it.

The CHAIRMAN. Answer the question.

Mr. HYMAN. I decline to answer for the same grounds.

The CHAIRMAN. The best evidence is your standing up here and saying that "If I tell you the truth, I will go to jail." You cannot get better evidence.

Mr. HYMAN. Not according to the Constitution, that isn't so.

The CHAIRMAN. The question is: As of this moment, are you an espionage agent on the payroll of the Communist Party?

Mr. HYMAN. I decline to answer for the reasons previously stated.

The CHAIRMAN. Let me ask you this question: Julius Rosenberg was convicted of espionage, and he has been executed. From your answers here, apparently you were engaged and still are engaged in the same type of espionage. Do you feel that you should be walking the streets of this country free, or that you should have the same fate as the Rosenbergs?

(The witness conferred with his counsel.)

Mr. HYMAN. That is an outrageous question, and it is more rhetoric than a question.

The CHAIRMAN. Answer it. It is not so outrageous when you know we have 140,000 casualties, many of them directly as a result of the work of traitors.

Mr. HYMAN. Repeat the question, please.

The CHAIRMAN. Will the reporter read the question?

(The question was read by the reporter.)

(The witness consulted with his counsel.)

Mr. HYMAN. I decline to answer on the same grounds.

The CHAIRMAN. Mr. Rainville, do you have any questions?

Mr. RAINVILLE. Mr. Hyman, you have several times here said today you had given testimony in executive session, and refused to repeat that testimony here because this is for political purposes. Under those circumstances, would you be willing to have your executive testimony read into this record?

(The witness conferred with his counsel.)

The CHAIRMAN. I may say, Mr. Rainville, the performance he gave in executive session was almost identical to what he gave today, and the evidence is of no value. In executive session, we went through the same procedure.

You may step down. Wait just a minute.

Mr. Hyman, we will need you further. You may go into the side room if you care to, but we will need you further.

We will call Professor Grundfest.

Professor, will you raise your right hand and be sworn? In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRUNDFEST. I do.

TESTIMONY OF HARRY GRUNDFEST

Mr. COHN. Professor Grundfest is represented by counsel, Mr. Osborn Frankle, of the New York Bar.

The CHAIRMAN. May I remind the reporters that the committee rule is that you will not take any flash pictures while the witness is testifying; and, if he requests, of course, we will take no pictures at all.

Mr. FRANKLE. As long as they are not being taken during the testimony.

Mr. COHN. May we have your full name?

Mr. GRUNDFEST. Harry Grundfest.

Mr. COHN. G-r-u-n-d-f-e-s-t?

Mr. GRUNDFEST. That is right.

Mr. COHN. Where do you reside?

Mr. GRUNDFEST. 4 East Ninth Street, New York.

Mr. COHN. Where are you employed at the present time?

Mr. GRUNDFEST. Columbia University.

Mr. COHN. Are you an associate professor?

Mr. GRUNDFEST. That is right; of neurology.

Mr. COHN. Associate professor of neurology?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. For how long a period of time have you held that post?

Mr. GRUNDFEST. I have been at Columbia University for the last 8 years, I believe; since 1945.

Mr. COHN. Now, prior to your work at Columbia University, were you working for the Army Signal Corps?

Mr. GRUNDFEST. Yes; for a period of about 18 months or so.

The CHAIRMAN. Will you try to speak a little louder?

Mr. COHN. For a period of 18 months you were working for the Army Signal Corps?

Mr. GRUNDFEST. That is right.

Mr. COHN. Where were you stationed?

Mr. GRUNDFEST. At the Squier Laboratory, where we had a biological research unit called the climatic research unit.

Mr. COHN. That was at the Squier, S-q-u-i-e-r, Laboratory at Fort Monmouth, N. J.?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. For the Signal Corps?

Mr. GRUNDFEST. That is right.

Mr. COHN. What was your capacity, what was your function with that climatic research unit?

Mr. GRUNDFEST. I was senior physiologist working on problems of human physiology.

Mr. COHN. You were a senior physiologist; is that correct?

Mr. GRUNDFEST. I think so.

Mr. COHN. Dr. Grundfest, did you at that time have access to classified material in connection with your work?

Mr. GRUNDFEST. I presume I had access to all sorts of restricted material, which is the lowest classification of the Army, and I do not recall having any other kind of classified material.

Mr. COHN. The classified material which you recall working with was classified "restricted"; is that right?

Mr. GRUNDFEST. That is right.

Mr. COHN. At that time, when you were with the Army Signal Corps at Fort Monmouth, Professor Grundfest, were you a member of the Communist Party?

Mr. GRUNDFEST. I decline to answer, sir, on the grounds that this committee has no functions in asking me about it, and that it is against my constitutional rights under the first amendment and under the fifth amendment.

The CHAIRMAN. Do you feel that you have any constitutional right to commit espionage?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you feel that is a constitutional right?

Mr. GRUNDFEST. I have committed no espionage, sir, and that is all I can answer to this question.

The CHAIRMAN. Have you discussed any of your work with members of the Communist Party?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I must decline to answer, sir.

The CHAIRMAN. Let us rephrase the question. Did you discuss any classified Government work with members of the Communist Party?

Mr. GRUNDFEST. As far as I recall, I discussed it with no one who was not authorized to discuss it.

The CHAIRMAN. The question is, Did you discuss it with members of the Communist Party? Some of your fellow Communists may have been authorized to do the same work you were doing.

Mr. GRUNDFEST. I decline to answer, sir, under the claim of the privilege of the fifth amendment.

The CHAIRMAN. I think we will order the witness to answer that.

You will be ordered to answer that.

Mr. GRUNDFEST. I decline to answer, sir.

The CHAIRMAN. Will you have the record show that the witness volunteered the information that he had not ever engaged in espionage, and therefore he has removed the fifth amendment privilege insofar as the question concerning giving information about Government secrets to members of the Communist Party is concerned; and we will have the record show he was ordered to answer, and persists in his refusal.

I may say, for your benefit, and you can govern yourself accordingly, your case in due course will be submitted to the grand jury for contempt proceedings.

Mr. COHN. Dr. Grundfest, do you know Prof. Raymond Boyer of Canada?

Mr. GRUNDFEST. Yes, I knew him for a short while.

Mr. COHN. Did you know that Professor Boyer was a Communist spy?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. Not at the time I knew him, sir.

Mr. COHN. At the time you knew Professor Boyer, did you discuss your work with him?

Mr. GRUNDFEST. No, sir.

Mr. COHN. You never discussed your work with Professor Boyer?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. No, sir.

Mr. COHN. You never did?

Mr. GRUNDFEST. I don't believe so.

Mr. COHN. Did you know a Dr. Allan May?

Mr. GRUNDFEST. I have no recollection of knowing him.

Mr. COHN. Have you ever corresponded with him?

Mr. GRUNDFEST. No, sir.

Mr. COHN. Have you ever had any connection with him?

Mr. GRUNDFEST. I do not recollect that, either.

Mr. COHN. Did you know Prof. Wendell Furry of Harvard University?

Mr. GRUNDFEST. I know him slightly, yes.

Mr. COHN. You say you know him slightly?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. Have you ever discussed your work with Dr. Furry?

Mr. GRUNDFEST. No, sir. I don't believe I knew him during the war.

Mr. COHN. Do you know Prof. Kirtley Mather of Harvard University?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. Did you ever discuss your work with Professor Mather?

Mr. GRUNDFEST. As far as I can recall, I did not.

Mr. COHN. How well did you know Professor Mather?

Mr. GRUNDFEST. I know Professor Mather as a very eminent scientist, and as one of the leaders of scientific thought in this country.

Mr. COHN. Were you a member of the Communist Party with Professor Mather?

Mr. GRUNDFEST. I decline to answer, sir.

Mr. COHN. Is Professor Mather one of the people who placed you in the Army Signal Corps?

(The witness consulted with his counsel.)

Mr. GRUNDFEST. The only connection, as far as I know, was that I gave Professor Mather as a reference at Fort Monmouth.

Mr. COHN. You gave Professor Mather as a reference at Fort Monmouth?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. At the time you gave Professor Mather as a reference, were you and Professor Mather members of the Communist Party?

Mr. GRUNDFEST. I decline to answer, sir.

The CHAIRMAN. On the ground your answer might incriminate you?

Mr. GRUNDFEST. On the grounds, sir, that you have no business asking this kind of question, and that this falls under the first and fifth amendments, sir.

The CHAIRMAN. Do you feel that your answer to that question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. Yes.

The CHAIRMAN. The answer is "Yes"?

Mr. GRUNDFEST. Yes.

The CHAIRMAN. You are telling me the truth when you say "Yes," you think it might tend to incriminate you?

Mr. GRUNDFEST. Well, sir, I promised to tell the truth at this time.

The CHAIRMAN. Then you truthfully feel that an answer to counsel's question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. This question comes under the area of self-incrimination, and therefore I have the right to refuse to answer.

The CHAIRMAN. When did you first learn that Professor Boyer was a Communist spy?

Mr. GRUNDFEST. It appeared in the newspapers, and when it did, I first heard it.

The CHAIRMAN. Have you seen him since that time; since you learned he is a spy, have you seen him?

Mr. GRUNDFEST. I don't recall, sir.

The CHAIRMAN. You do not recall whether you did or not?

Mr. GRUNDFEST. I don't recall whether, after he was sent to jail, that I ever saw him. I don't believe so.

Mr. COHN. Did you go to visit him in jail?

Mr. GRUNDFEST. No, sir.

Mr. COHN. Then you know you didn't see him since he has gone to jail.

The CHAIRMAN. Did you write to him?

Mr. GRUNDFEST. I don't recall that.

Mr. COHN. You say you don't recall whether you did or whether you didn't or you don't think you did, which is it? You don't think you did write to him, or you do not recall one way or the other?

Mr. GRUNDFEST. I don't recall one way or the other.

The CHAIRMAN. For you to write to a convicted spy in jail would be of insufficient moment to you to remember that?

Mr. GRUNDFEST. Well, I don't believe I have ever written to him, but I don't recall, sir.

The CHAIRMAN. Do you think Communists should be allowed to continue as professors in colleges?

Mr. GRUNDFEST. May I refuse to answer, sir, on the grounds that this has no relation to anything here. This is a question in the domain of my private feelings and beliefs.

The CHAIRMAN. You cannot refuse on that ground. You can refuse if you feel the answer would tend to incriminate you.

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I believe it is outside the jurisdiction of this committee, sir.

The CHAIRMAN. You will be ordered to answer.

Mr. GRUNDFEST. I refuse to answer on all of the grounds I have specified before.

The CHAIRMAN. You do not include the grounds of self-incrimination?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I don't quite understand your question, sir. What was the question?

The CHAIRMAN. The reporter will read the question. I think a professor should be able to understand a simple question. Will you read it to him, Mr. Reporter?

(The question was read by the reporter.)

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I refuse to answer, sir, because it is outside the jurisdiction of this committee.

The CHAIRMAN. May we have the record show that the witness was ordered to answer, and he refuses, and he does not invoke the fifth amendment. Is that correct, Professor? You are not invoking the fifth amendment?

Mr. GRUNDFEST. In this case, yes.

Mr. COHN. Professor Grundfest, between the time you were with the Army Signal Corps down at Fort Monmouth and the time you went to Columbia, were you at Princeton?

Mr. GRUNDFEST. Yes.

Mr. COHN. Exactly what were you doing at Princeton?

Mr. GRUNDFEST. I was working in the physiological ways of producing gunshot injuries.

Mr. COHN. Physiological ways of producing—

Mr. GRUNDFEST. The physiological phenomenon. It is called wound ballistics.

Mr. COHN. Was the work you were doing there classified work for the United States Government?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. It was?

Mr. GRUNDFEST. Yes, sir.

Mr. COHN. At that time when you were doing that work were you a member of the Communist Party?

Mr. GRUNDFEST. I refuse to answer, sir.

Mr. COHN. While you were doing that classified work for the United States Government at Princeton were you in constant association with members of the Communist Party?

Mr. GRUNDFEST. I refuse to answer, sir.

The CHAIRMAN. On what ground?

Mr. GRUNDFEST. On all grounds, sir, including self-incrimination.

Mr. COHN. On February 14 of 1952, did you appear at a Communist meeting on a program with Victor Perlo, a Soviet espionage agent? P-e-r-l-o.

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I object to the question, sir, but I will answer it if you will leave out the characterizations.

Mr. COHN. We will put it this way——

The CHAIRMAN. You are ordered to answer the question as asked by counsel.

(The witness conferred with his counsel.)

Mr. GRUNDFEST. Then I decline, sir, on the basis of the fifth amendment.

Mr. COHN. Mr. Chairman, the record will note, of course, that Victor Perlo has been named under oath by Whittaker Chambers and Elizabeth Bentley as a Communist spy, and head of the Perlo group, the Perlo spy cell of the Communist Party. And Mr. Perlo, in appearances before our committee and before other congressional committees, has consistently invoked the fifth amendment as to espionage activities up to and including the present time.

Then, of course, Attorney General Brownell referred at length to that in the course of his recent testimony.

I would ask, Mr. Chairman, that we receive in evidence now, from the Daily Worker of February 14, 1952, a notice of a conference called by 4 people, 2 of whom were Dr. Harry Grundfest and Mr. Victor Perlo.

The CHAIRMAN. That will be received.

Mr. FRANKLE. May the record show the whole thing?

Mr. COHN. This is from page 8 of the Daily Worker, New York, Thursday, February 14, 1952, and the conference by the National Council of American-Soviet Friendship was a conference on American-Soviet relations, and the leaders of the conference were Dr. Harry Grundfest, Mr. Victor Perlo, and 2 other names, and the other 2 names I don't believe have been mentioned before this committee.

The moderator of the conference was Dr. Alpheus Hunton, H-u-n-t-o-n, who the records of this committee will show was convicted of contempt of court following his refusal to answer questions in connection with the flight of the Communist leaders, for whom he had been one of the bail trustees.

Mr. FRANKLE. This is not yet a court. It is the records of this committee.

Mr. COHN. The record of the United States District Court of the Southern District of New York, whose hospitality we are enjoying at this moment.

I will end this by saying luncheon was served at the meeting.

(The document above referred to was marked "Exhibit No. 2," and will be found in the appendix on p. 67.)

Mr. COHN. Now, Professor Grundfest, are you the Dr. Harry Grundfest who signed an appeal to the President of the United States asking for the immediate release of the convicted Communist Party leaders, on December 10, 1952, which appeal was published in the Daily Worker?

Mr. GRUNDFEST. I do not recall, but I expect I signed such an appeal. I don't know the exact wording of it.

Mr. COHN. May we have this in the record? It is entitled "280 National Leaders Ask Truman's Amnesty for Jailed Communists," page 4 of the Daily Worker, New York, Wednesday, December 10, 1952. And one of the signatories appearing there is Prof. Harry Grundfest, Columbia University.

The CHAIRMAN. That will be received as an exhibit.

(The document above referred to was marked "Exhibit No. 3," and may be found in the files of the subcommittee.)

Mr. COHN. Now, Mr. Chairman, I have no further questions to ask the professor.

The CHAIRMAN. Just 1 or 2 further questions.

Did you ever attend meetings of the Communist Party where there was discussed any classified Government material or work?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. To the best of my knowledge, sir, I never discussed classified information with anyone who was not authorized to discuss this with me; and as for the rest, I refuse to answer, sir.

The CHAIRMAN. Your idea of a Communist who is authorized to get secrets may be different from the Chair's, and so I will ask you the question: Did you ever attend a meeting of the Communist Party where you heard discussed classified Government work, regardless of whether you think that you were authorized to do it or not?

(The witness conferred with his counsel.)

Mr. GRUNDFEST. I must refuse to answer that, sir.

The CHAIRMAN. On the grounds of self-incrimination?

Mr. GRUNDFEST. On the grounds as I pointed out before, sir.

The CHAIRMAN. Is one of the grounds that the answer might tend to incriminate you?

Mr. GRUNDFEST. Including that, yes, sir.

The CHAIRMAN. Including that ground?

Mr. GRUNDFEST. Yes, sir.

The CHAIRMAN. You may step down. You will consider yourself under subpoena.

Incidentally, are you still at Columbia?

Mr. GRUNDFEST. Yes, sir.

The CHAIRMAN. You are?

Mr. GRUNDFEST. Yes.

The CHAIRMAN. That is all.

May I say we had one other witness called for this morning, but he apparently has not had an opportunity to discuss the matter with his attorney, so I think that it would not be proper to put him on this morning. We will give him a chance to discuss this matter with his attorney in full.

There is one other witness subpoenaed. Is Mr. Marcel Ullmann in the room?

(No response.)

Mr. COHN. The record will indicate that Mr. Marcel Ullmann, who the records of this committee show is a rather well-known employee of Fort Monmouth, was served and has been under a continuing subpoena from this committee, and was supposed to respond on immediate notice. A telegram was sent to him yesterday, and we have a message from Western Union that that telegram was delivered, and Mr. Ullmann has failed to appear.

I would suggest that in view of his failure to appear, contempt action by this committee be considered.

The CHAIRMAN. I will recommend to the full committee that he be cited for contempt, and that his case be referred to the grand jury.

I may say for the record that Mr. Ullmann was before us in executive session, and he was asked about alleged espionage activities on his part at Fort Monmouth, up to a very recent date, and he claimed the fifth amendment on the grounds if he were to tell the committee the truth it would incriminate him.

I will recommend that he be cited and indicted for contempt of the committee for his failure to appear this morning.

We will adjourn until 2:30 Monday afternoon, at which time hearings will be held in the same room. Hearings will be held Monday and Tuesday, and as to the rest of the week we will determine later.

(Whereupon, at 11:50 a. m., the hearing was adjourned until 2:30 p. m., Monday, November 30, 1953.)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

TUESDAY, DECEMBER 8, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:35 a. m., in the caucus room of the Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; and Senator Charles E. Potter, Republican, Michigan.

Present also: Roy M. Cohn, chief counsel, Francis P. Carr, executive director, Thomas W. LaVenia, assistant counsel, Daniel G. Buckley, assistant counsel, and Ruth Y. Watts, chief clerk.

The CHAIRMAN. We will proceed.

Mr. Aaron Coleman, will you take the stand up here?

Will you raise your right hand and be sworn? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. COLEMAN. I do.

TESTIMONY OF AARON HYMAN COLEMAN (ACCOMPANIED BY HIS COUNSEL, RICHARD F. GREEN, OF ELIZABETH, N. J.)

Mr. COHN. Mr. Coleman's counsel has requested that while Mr. Coleman is testifying, no pictures be taken of him. Is that right, Mr. Green?

Mr. GREEN. Thank you, sir.

The CHAIRMAN. We will ask the television cameras not to focus upon the witness, and we will ask the still photographers to take no pictures either while the witness is testifying.

Do you have any objection to pictures being taken now?

Mr. GREEN. No, sir.

Mr. COHN. Do you object to the television lights?

Mr. GREEN. We would like to reserve the right to request that they be turned off, but at the moment no objection.

Mr. COHN. As soon as you feel there is one, you tell us about it, and we will order them to be turned off.

Did we get your full name?

Mr. COLEMAN. Aaron Hyman Coleman.

Mr. COHN. And where do you reside, Mr. Coleman?

Mr. COLEMAN. 42 Branchport Avenue, Long Branch, N. J.

Mr. COHN. And until the end of September of this year, were you on duty as an employee of the Evans Signal Laboratory at Fort Monmouth, N. J.?

Mr. COLEMAN. Not of the Evans Signal Laboratory. I was assigned to the Signal School in January of 1952. Prior to that time I was with the Evans Signal Laboratory.

Mr. COHN. Until January of 1952 you were with Evans Signal Laboratory; from January of 1952 until the end of September of this year, 1953, until the end of September of the current year, you were attached to the Signal School at Fort Monmouth?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Now, for how long a period of time have you been employed at Fort Monmouth?

Mr. COLEMAN. The total period is approximately 15 years.

Mr. COHN. That is when you were a radar officer in the Marine Corps?

Mr. COLEMAN. Exclusive of 2 years' military furlough with the Marine Corps.

Mr. COHN. When you were with the Marine Corps, you served as a radar officer, is that correct?

Mr. COLEMAN. Yes, sir.

Mr. COHN. As of January 1952, when with the Evans Signal Laboratory, what was your position?

Mr. COLEMAN. I was the chief of the systems section.

The CHAIRMAN. Chief of the systems section?

Mr. COLEMAN. Yes, sir.

Mr. COHN. You were chief of the systems section, is that right?

Mr. COLEMAN. Yes, sir.

Mr. COHN. What was your grade and salary?

Mr. COLEMAN. GS-14, \$9,600 a year.

Mr. COHN. In this position as chief of the systems section, did you have access to classified material?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Up to what classification were you cleared?

Mr. COLEMAN. I am not sure. I think it was secret. For most of that period it was secret.

Mr. COHN. Now, you will agree that your position was an extremely sensitive one, will you not? You had access to important material?

Mr. COLEMAN. I am not sure of the use of the adverb, the word "extremely." It was a sensitive position, and I do not know how sensitive. I am in no position to evaluate its sensitivity.

Mr. COHN. Mr. Chairman, at this point, from the file, photostatic copy of personnel file supplied us by the Department of the Army, and which has been unclassified on October 9, 1953, I wonder if I could just read from some sections, from the job description of Mr. Coleman's duties. This is from his personnel file.

Mr. Coleman is responsible for planning, organizing, directing, coordinating, and programing the work of a large organizational segment engaged in the research, development, design, and construction of large-scale antiaircraft systems for employment by the Army all over the world.

The urgent need for the centralized direction of large numbers of various anti-aircraft weapons, guided missiles, rockets, guns, countermeasures for defense against atomic bombing attacks has been repeatedly emphasized by Army Field Forces. This organizational segment is also engaged in the design and development of new computers, displays, tracers, and similar equipment required for completely integrated systems.

The dollar value of the total internal and external effort on these systems is at approximately \$32 million for fiscal years 1946 to 1953, inclusive. Approxi-

mately \$10 million is to be expended during the fiscal year of 1952 for the design and development of new equipment.

I emphasize again, Mr. Chairman, that we feel at liberty to read this because this file has been specifically unclassified by the Department of the Army, and that is noted here on the file.

Now, you returned to Evans Signal Laboratory in 1945, is that correct, Mr. Coleman, or the beginning of 1946?

Mr. COLEMAN. I am not sure what the official date is, and I think it is January of 1946, but I am not completely sure. It might be December of 1945 or January 1946.

Mr. COHN. Now, did you have a secret clearance at that time?

Mr. COLEMAN. I believe I did, while I was in the Marine Corps.

Mr. COHN. I am talking about the time you were in Evans Signal Laboratory.

Mr. COLEMAN. Yes, sir; I believe so.

Mr. COHN. You did have a secret clearance?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Did that clearance continue from 1946 until 1952? In other words, when you were at Evans Signal Laboratory in 1952, did you still have that secret clearance?

Mr. COLEMAN. As far as I know; yes, sir. I may have lost it without knowing it, but as far as I know; yes, sir.

Mr. COHN. And you were aware of the definition of "secret"; is that right?

Mr. COLEMAN. In general terms; that secret material would harm the Nation or the Nation's prestige if it were revealed to an enemy. I am not sure verbatim what the definition is.

Mr. COHN. I think we have a verbatim definition of that, Mr. Chairman.

The CHAIRMAN. I think it might be well if we read a definition of "secret" into the record at this time, Mr. Cohn. I believe that I have the military definition here someplace in my grip.

Mr. COHN. We can insert that in the record at this point if it is agreeable with the Chair.

The CHAIRMAN. It will be so ordered.

(The definition is as follows:)

SECRET INFORMATION

Information and material (matter), the unauthorized disclosure of which would endanger national security, cause serious injury to the interests or prestige of the Nation, or would be of great advantage to a foreign nation shall be classified secret.

2. The following are some examples of matter which normally shall be classified "secret":

(a) Particulars of operations in progress.

(b) Plans or particulars of operations, or war plans with necessary enclosures thereto, not included under "top secret."

(c) Instructions regarding the employment of important new munitions of war, including scientific and technical developments.

(d) Important improvements to existing munitions of war until accepted for service use including scientific and technical developments.

(e) Information relating to new material (matter) including material (matter) of the type described in 1 above.

(f) Information of the type described in 1 above concerning specific quantities of war reserves.

(g) Development projects of the type described in 1 above.

(h) Information of enemy or potential enemy material or other material, procedure, dispositions and activities, the value of which depends upon concealing the fact that we possess it.

(i) Reports of operations containing information of vital interest to the enemy.

(j) Vital military information on important defenses.

(k) Adverse reports on general morale affecting major operations.

(l) Communication intelligence information and important communication security devices and material of the type described in 1 above.

(m) Certain new or specialized techniques or methods to be used in future operations. The identity and composition of units, wherever located, which are especially intended for employment of such techniques or methods.

(n) Information indicating the strength of our troops, air and naval forces, identity or composition of units or quantity of specific items of equipment pertaining thereto in active theaters of operation, except that mailing addresses will include organizational designations.

(o) Photographs, negatives, photostats, diagrams, or models of secret matter.

(p) Certain compilations of data or items which individually may be classified "confidential" or lower when the aggregate of the information warrants the higher classification.

I think it might be well to read the definition of "top secret".

Information and material (matter), the security aspect of which is paramount, and the unauthorized disclosure of which would cause exceptionally grave damage to the Nation shall be classified "top secret."

The top-secret category is reserved for information which in and of itself, if disclosed without authorization, would reasonably be expected to lead ultimately to one or more of the following results:

(a) Initiation of war against the United States by a foreign government as a countermeasure against plans or intentions disclosed.

(b) Defeat of planned operations of war of the United States, if launched.

(c) Loss by the United States of a scientific or technical advantage of sufficient military importance as to affect materially the course or outcome of a war or major operation.

Mr. COHN. You testified before the committee, Mr. Coleman, on two occasions, I believe, in executive sessions; is that correct?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And on a number of occasions prior to that you were interviewed by the Federal Bureau of Investigation?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And at all times have you told the truth and endeavored to tell the truth?

Mr. COLEMAN. To the best of my knowledge; yes, sir. I endeavored to tell the truth as I saw it.

Mr. COHN. Mr. Chairman, I wanted to note that the investigation of subversive infiltration in the Signal Corps commenced on August 31, 1953, and that the first witnesses from the Signal Corps were heard in executive session in New York on that date; namely, Monday, August 31, 1953.

Now you say that the testimony you gave was true; is that correct?

Mr. COLEMAN. Insofar as I know.

Mr. COHN. And you were telling us the truth when you said you were never a member of the Young Communist League?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And you were telling the truth when you testified as follows, and I am reading from page 637 of the record at this time.

I did not have to hold Mr. Coleman on for this, but I will tell you, Mr. Green; Mr. Coleman can step aside now; and as I explained to you, we wanted to get this background in, and we are going to hear some other witnesses. We would like Mr. Coleman to stay in the room and hear them, too, and then when they are through, we will recall Mr. Coleman, and you, and if there is any statement that Mr. Coleman

wants to make, we want to remind you of the committee rule that that should be submitted to the Chair, I think the rule is 24 hours in advance of the giving of that statement. I do not know whether you anticipate one or not.

Mr. GREEN. Quite obviously that is impossible, because we came down here without a secretarial staff.

Mr. COHN. You talk to me after the hearing, Mr. Green, and if there is difficulty on that, tell me about it, and I will take it up with the Chair and see if we can get that rule waived, and any other accommodations we can give you along those lines we will be glad to do that.

Mr. GREEN. That will be fine.

Mr. COHN. Mr. Chairman, before the next witness is called, in view of Mr. Coleman's reaffirmation of his testimony in executive session, the following testimony becomes extremely important, and I would like to read it into the record at this point. The issue here is whether or not Mr. Coleman had continued his association with Julius Rosenberg, who was convicted and executed for conspiracy to commit espionage in the southern district of New York, following their days at City College. To that effect, Mr. Coleman testified as follows—I read from page 637:

Let me ask you this, Mr. Coleman. Did you see Julius Rosenberg at all after you left college?

Mr. COLEMAN. No, sir; I have never seen him or heard from him or corresponded with him.

Question. Did you see him after you attended the Young Communist League meeting with him?

Answer. I believe I did in my class.

Question. Did you see him thereafter?

Answer. Never.

Now, I am reading from page 639:

The CHAIRMAN. When did you say you first went to the Signal Corps?

Mr. COLEMAN. In March of 1939.

The CHAIRMAN. March of 1939?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. You knew Rosenberg was working there in the early 1940's; did you?

Mr. COLEMAN. I did not; no, sir.

The CHAIRMAN. Did you ever learn Rosenberg was working for the Signal Corps?

Mr. COLEMAN. No, sir; I did not.

The CHAIRMAN. May I suggest, Mr. Cohn, at this point, that we ask the witness whether or not he questions the fact that these questions were asked and the answers made as read by counsel?

Mr. COLEMAN. I am sorry, I did not hear that.

The CHAIRMAN. If, as this testimony is read, Mr. Coleman and Mr. Green, you take issue with the correctness of the transcript, you will promptly notify counsel. Otherwise, we will assume that this is as you remember the testimony.

Mr. COLEMAN. On the last point, I believe the first time that I learned—

The CHAIRMAN. I am not asking you the questions now.

Mr. COLEMAN. I think on the last question, I am not sure.

Mr. COHN. I will read it again.

The CHAIRMAN. All we want to know is if there is anything wrong in the stenographic minutes here.

Mr. COHN (reading):

The CHAIRMAN. When did you say you first went to the Signal Corps?

Mr. COLEMAN. In March of 1939.

The CHAIRMAN. March of 1939?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. You knew Rosenberg was working there in the early 1940's; did you?

Mr. COLEMAN. I did not; no, sir.

The CHAIRMAN. Did you ever learn Rosenberg was working for the Signal Corps?

Mr. COLEMAN. No, sir; I did not.

Now, let me read the next one to you, and maybe that will clarify something, and then you can comment on the whole thing.

The CHAIRMAN. While you are looking for that, may I say, Mr. Green, that we have completely reliable reporters, and they use the utmost caution, and there is no question in the mind of the Chair that this is an exact transcript. However, I think in fairness to the witness, he should be entitled to comment if he thinks at any place the stenographic reporter misquoted him.

Mr. COHN. Reading from page 684:

The CHAIRMAN. When did you last see Mr. Rosenberg?

Mr. COLEMAN. In this class, in my senior year, I last saw Mr. Rosenberg.

The CHAIRMAN. You never saw him after that?

Mr. COLEMAN. No, sir; I did not.

The CHAIRMAN. You did not know that he worked at the Signal Corps?

Mr. COLEMAN. No, sir; I did not.

The CHAIRMAN. When did you first learn that he worked at the Signal Corps?

Mr. COLEMAN. When I read about his arrest in the newspapers.

Is there anything in here which you say was an inaccurate taking down in the notes of what you said?

Mr. COLEMAN. No, sir. That is all you wanted to know?

The CHAIRMAN. That is all. You will be called back, so do not leave the room.

Mr. COLEMAN. One point—

The CHAIRMAN. I do not want any speech from you. I merely called you back here to give you a chance to tell us if you were inaccurately quoted by the stenographic reporter; and if you were, tell us; and if not, I will hear from you later.

I think for the record at this time we should make it clear that we have been getting what I consider good cooperation from the Army, and all of the individuals who will be questioned here as to their alleged Communist activities have been individuals who have been in the Signal Corps for a number of years, and the Army has indicated that they are just as anxious to get to the bottom of this as we are. Is not that correct, Mr. Cohn?

Mr. COHN. Yes, Mr. Chairman; absolutely.

The CHAIRMAN. That is, the present administration of the Army.

Mr. COHN. That is correct.

Now, Mr. Chairman, the next witness is Nathan Sussman.

The CHAIRMAN. Mr. Nathan Sussman.

Mr. COHN. I am asking the Chair to take him now. He has about 3 minutes, and he has to make a plane connection.

TESTIMONY OF NATHAN SUSSMAN

Mr. COHN. Mr. Sussman, may we have your full name?

Mr. SUSSMAN. Nathan Sussman.

Mr. COHN. S-u-s-s-m-a-n?

Mr. SUSSMAN. That is correct.

The CHAIRMAN. You are reminded you have been previously sworn, Mr. Sussman. That oath is still in effect.

Mr. SUSSMAN. Yes, sir.

Mr. COHN. You reside in New York City. Is that your permanent home?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. Are you engaged in private business now?

Mr. SUSSMAN. Yes, sir.

The CHAIRMAN. I wonder if the cameramen would move back from in front of the witness. It is somewhat of a mental hazard to have the bulbs going off in his face while he is testifying.

Mr. COHN. Now, Mr. Sussman, did you ever work for the United States Government, by the way?

Mr. SUSSMAN. Yes, sir; I did.

Mr. COHN. Where did you work?

Mr. SUSSMAN. The Inspector of Naval Material in New York.

Mr. COHN. In New York. And when was that?

Mr. SUSSMAN. In October of 1940, to April of 1942.

Mr. COHN. That is your only Government employment?

Mr. SUSSMAN. Yes, sir; Federal Government.

Mr. COHN. Now, Mr. Sussman, have you ever been a Communist?

Mr. SUSSMAN. Yes, sir; I have.

Mr. COHN. And during what years were you a Communist, covering all phases of your Communist activity?

Mr. SUSSMAN. Well, between 1935 and 1940, and in 1942 to February of 1945.

Mr. COHN. Now, taking the period from 1935 to 1940, when you were a Communist, did you belong to any Communist organizations?

Mr. SUSSMAN. Yes, sir; the Young Communist League.

Mr. COHN. And where did you belong to the Young Communist League?

Mr. SUSSMAN. From 1935 to 1938 at City College.

Mr. COHN. From 1935 to 1938 at City College?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. You were a student at City College at that time?

Mr. SUSSMAN. That is correct.

Mr. COHN. Did you know a man named Julius Rosenberg?

Mr. SUSSMAN. Yes, sir; I did.

Mr. COHN. That is the convicted atom spy?

Mr. SUSSMAN. Yes.

Mr. COHN. Was Julius Rosenberg a Communist?

Mr. SUSSMAN. He was a member of the Young Communist League.

Mr. COHN. He was a member of the Young Communist League?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. Did you know Morton Sobell at City College?

Mr. SUSSMAN. Yes, sir, I did.

Mr. COHN. I refer to Morton Sobell, convicted with Rosenberg, of conspiracy to commit espionage and sentenced to 30 years. Was Morton Sobell a member of the Young Communist League?

Mr. SUSSMAN. He was.

Mr. COHN. Did you know Joel Barr?

Mr. SUSSMAN. Yes, I did.

Mr. COHN. And Joel Barr, was he at City College?

Mr. SUSSMAN. Yes.

Mr. COHN. Was he a member of the Young Communist League?

Mr. SUSSMAN. He was.

Mr. COHN. Did you know Aaron Coleman?

Mr. SUSSMAN. Yes, sir, I did.

Mr. COHN. Was he a student at City College?

Mr. SUSSMAN. Yes, sir, he was.

Mr. COHN. Was he a member of the Young Communist League?

Mr. SUSSMAN. He was.

Mr. COHN. You have seen Mr. Coleman here this morning?

Mr. SUSSMAN. Yes, I have.

Mr. COHN. Now, Mr. Sussman, after you left City College, was there a time when you were employed with the Western Electric Co.?

Mr. SUSSMAN. There was.

Mr. COHN. And about when was that?

Mr. SUSSMAN. That would be from April 1942 to December of 1947, I believe.

Mr. COHN. While you were at Western Electric Co., were you doing any work on any Government contracts?

Mr. SUSSMAN. Yes, sir; I was.

Mr. COHN. Any classified nature?

Mr. SUSSMAN. That is correct.

Mr. COHN. Were you a Communist at that time?

Mr. SUSSMAN. For part of that time.

Mr. COHN. The early part; is that right?

Mr. SUSSMAN. Mostly the early part.

Mr. COHN. And did you at Western Electric run into Joel Barr again?

Mr. SUSSMAN. Yes, I did.

Mr. COHN. In between the time you had known Joel Barr in the Young Communist League at City College and the time you saw him at Western Electric Co., do you know where Joel Barr had worked?

Mr. SUSSMAN. He told me he had worked at Fort Monmouth.

Mr. COHN. Now, when you knew Joel Barr, you told us he was in the YCL at City College, and was Joel Barr still a Communist when you saw him down at Western Electric?

Mr. SUSSMAN. Yes, he was.

Mr. COHN. And did you meet a man named Alfred Surrene?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. Was he also a Communist?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. And you were, too, at that time?

Mr. SUSSMAN. That is correct.

Mr. COHN. Now, there are two more names, and I know there is other information with which you furnished the committee, and we are in the process of calling in witnesses, and there are two witnesses we have contacted and we will have them available, and I want to ask you about them.

Did you know a man by the name of Morris Savitsky at City College?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. Was he a member of the Young Communist League?

Mr. SUSSMAN. He was.

Mr. COHN. Did you know a man by the name of Nathan Shoiket?

Mr. SUSSMAN. Yes.

Mr. COHN. Was he likewise in the Young Communist League?

Mr. SUSSMAN. Yes.

Mr. COHN. Mr. Savitsky and Mr. Shoiket have been subpoenaed and we have asked that they appear before the committee tomorrow or Thursday, as soon as we can hear them.

Now, Mr. Sussman, is it a fact that some 2 or 3 years ago, prior to the Rosenberg trial, you furnished the FBI with information concerning your Communist activities and told the FBI about the fact that Rosenberg, Sobell, Coleman, and the others you have mentioned were in the Young Communist League?

Mr. SUSSMAN. Yes, sir.

Mr. COHN. You gave them that information at that time?

Mr. SUSSMAN. Yes, sir.

The CHAIRMAN. Mr. Sussman, we will want to call you back at some future time, and we appreciate your making arrangements to be here. We know you have other engagements for today, and we will want to call you back at some future time. Counsel will be in touch with you.

Mr. COHN. Thank you very much.

Mr. GREEN. I am aware that it is not in accordance with the customary practice, but may I ask the witness a couple of questions?

The CHAIRMAN. You can submit them in writing to the Chair. The rules of the committee, adopted unanimously, are that counsel will not be entitled to cross-examine any witness, and he may, however, submit questions to the Chair, and we will ask them of the witness.

Mr. COHN. We will be glad to do that, Mr. Green. We will put that on the agenda and anything along those lines you want.

Mr. GREEN. Then may I have notice of the following appearance of the witness, so that I may present such questions?

Mr. COHN. You certainly may.

The CHAIRMAN. How much time would you want, 48 hours?

Mr. GREEN. I should think so.

Mr. COHN. We will put that on the agenda of things we have to talk about, and we will make arrangements for questions to be submitted.

Now, Mr. Chairman, at this time in view of Mr. Coleman's sworn testimony that he was never a member of the Young Communist League, and now in view of the testimony of Mr. Sussman that Mr. Coleman was in fact a member of the Young Communist League, with Mr. Sussman, with Julius Rosenberg, and Sobell, and Barr, and the others mentioned, Savitsky and Shoiket—and Rosenberg has been executed; and Barr, the record will note, according to the best information we have been able to obtain, has been named in public testimony as a member of the Rosenberg ring and named in testimony before this committee and other places; and Barr has left this country, and according to our best information is behind the Iron Curtain at this time and, of course, unavailable to the committee.

Sobell, of course, is serving a 30-year term for conspiracy to commit espionage, in Alcatraz. Shoiket and Savitsky have been subpoenaed and will appear before the committee; and as far as Mr. Surrene is

concerned, the best information the committee has is that Surrene, as you know, Mr. Chairman, of course worked down at Fort Monmouth, as did Joel Barr; and Surrene, according to our best information, has likewise fled this country and is behind the Iron Curtain in the Soviet Union at this time. Mrs. Surrene is in this country, and we have subpoenaed her to appear before the committee.

Now, Mr. Chairman, in view of the direct conflict in testimony, and in view of Sussman's sworn testimony that Mr. Coleman was a member of the Young Communist League, I want to go to another point that we think is of the utmost importance. That is, of course, Mr. Coleman's connection with Julius Rosenberg, the convicted atom spy.

I read to the Chair before Mr. Coleman's sworn testimony, and I would like to read that briefly again, if I might. The committee was inquiring, you might recall, to ascertain the extent of Coleman's connection with Rosenberg, and particularly whether or not they knew each other while they were both with the Signal Corps. The question was, page 637:

Let me ask you this: Did you see Julius Rosenberg at all after you left college?

Mr. COLEMAN. No, sir. I have never seen him or heard from him or corresponded with him.

Page 639:

The CHAIRMAN. When did you say you first went to the Signal Corps?

Mr. COLEMAN. In March of 1939.

The CHAIRMAN. March of 1939?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. You knew Rosenberg was working there in the early 1940's, did you?

Mr. COLEMAN. I did not; no, sir.

The CHAIRMAN. Did you ever learn Rosenberg was working for the Signal Corps?

Mr. COLEMAN. No, sir; I did not.

Now, I might state that this position of Mr. Coleman's, namely, that any connection or contact with Rosenberg ended in City College, that he never met him down at Fort Monmouth, was so strongly emphasized by Mr. Coleman that when some of the New York newspapers contained statements that Coleman had in fact seen Rosenberg at Monmouth and was in fact a friend of Rosenberg's after college days and knew him and had seen him after college days, Mr. Coleman through his counsel, Mr. Green, sent letters to the newspapers demanding retractions and threatened suit if they were not forthcoming.

I have specifically in my hand a letter from Mr. Green of October 31, 1953, to Norma Abrams, of the New York Daily News, in which with reference to a statement in the Daily News that Mr. Coleman was an admitted close friend of executed atom spy Julius Rosenberg, Mr. Green states to the Daily News, on authorization of his client:

Mr. Coleman was never at any time a close friend of Rosenberg, and has never admitted that he was. Rosenberg was a classmate of Mr. Coleman in City College in New York and they never saw or communicated with each other in any manner after Mr. Coleman's graduation in 1938.

The CHAIRMAN. Mr. Cohn, do you have a witness to dispute those facts?

Mr. COHN. Yes. We do not have a live witness, but we have the testimony of Julius Rosenberg himself, which was given at his trial in New York when he was on trial for conspiracy to commit espionage, for which crime he was convicted and executed.

The CHAIRMAN. I may say that the testimony from the grave would not be admissible in a criminal action against Mr. Coleman for perjury. In a committee, however, where we are seeking the facts and not prosecuting criminally that evidence, of course, is admissible. It will be received.

Mr. COHN. Mr. Chairman, the subject matter of the inquiry to Rosenberg on cross-examination was concerning people like Barr and how long his association with them continued after they were classmates at City College. Bearing in mind that Rosenberg and Sobell were in the same class, as were Barr, Coleman, and others, Rosenberg under cross-examination was asked a question as to which people who were his college friends he continued a relationship with after he left college.

He named Joel Barr, I recall, and one or two others, and that was all he could recall. Subsequently, on redirect examination, and I am reading from page 1284, this is at the very beginning of his redirect examination, he was questioned as follows by his counsel, Mr. E. H. Block:

Question. Now, between the time that Mr. Sapol cross-examined you the other day and today, did you have an opportunity to think more closely about the classmates you had at City College, New York, and whom you saw subsequent to your graduation from that institution?"

ROSENBERG. I did, sir.

Question. And can you give us now the names of some other classmates of yours with whom you had either social or business relations after your graduation?

Answer. Well, there were people who were in my squad in the electrical-engineering courses. Mr. Aaron Coleman who subsequent to graduation I met at Fort Monmouth when I was assigned there.

Of course, that is a direct and flat contradiction by Rosenberg of Coleman's testimony on the very important point of his association with Julius Rosenberg, and when it started and when it stopped, and I hope this can be incorporated in the record; and I recommend it be sent to the Department of Justice.

The CHAIRMAN. The testimony will be sent to the Department of Justice with the recommendation that it be sent to the grand jury, not only this but all of the testimony of Mr. Coleman and those who appeared in executive session.

Mr. Cohn, I think for the record at this time, as this testimony unfolds, many people will wonder, I know, why these individuals were kept on so long, some of them right down to the date we commenced these hearings, and I think we should make it very clear that the FBI in all of the cases insofar as we can determine had done a thorough job of investigating and had reported fully to the military forces the nature of the evidence against these various individuals handling secret work.

Is that substantially correct, Mr. Cohn?

Mr. COHN. That is definitely correct, and Mr. Sussman's testimony here is that he furnished this information to the FBI and to the Department of Justice prior to the Rosenberg trial, and which was over 2 years ago. Undoubtedly, he did that according to routine and invariable procedure, and that information was placed by the FBI in reports which would have been sent to the agency in which Mr. Coleman was working, and we know that no action whatsoever was taken against Mr. Coleman until a month before this investigation began,

and he continued to work at Monmouth. And I think it is very safe to assume that according to regular FBI routine, the FBI had furnished the Department of the Army with this information and Coleman's connection with the Young Communist League at a period at least over 2 years ago.

We know from one witness he gave that to the FBI over 2 years ago and close to 3 years ago.

I think it would be very important for us to determine who in the Army received that information and why no action was taken on the basis of it, and why not even a hearing was held and no question raised about it, and whether or not those people are still in positions of responsibility in the Army, making decisions on other cases.

The CHAIRMAN. That is a very good idea.

Mr. Coleman, we are going to put several other witnesses on, and I am sure you will want to hear them before you testify, so that you will know what their testimony is.

Mr. COHN, I think we should have a résumé in the record of the secret and other classified documents that Mr. Coleman removed from the Signal Corps laboratory. Has that been prepared?

Mr. COHN. That will be covered tomorrow, Mr. Chairman.

TESTIMONY OF AARON HYMAN COLEMAN (ACCOMPANIED BY HIS COUNSEL, RICHARD F. GREEN, OF ELIZABETH, N. J.)—Recalled

The CHAIRMAN. Incidentally, while we are waiting for the next witness, you have not been reinstated as of this time, have you?

Mr. COLEMAN. No, sir.

The CHAIRMAN. Your case is still pending?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. The next witness. Mr. Kitty.

Will you raise your right hand?

In the matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KITTY. I do.

TESTIMONY OF FRED JOSEPH KITTY

Mr. COHN. May we have your full name, Mr. Kitty?

Mr. KITTY. Fred Joseph Kitty.

Mr. COHN. Where do you reside?

Mr. KITTY. Do you want the full address? Cranford, N. J.

Mr. COHN. Mr. Kitty, I would like to ask you: Have you worked for the United States Government?

Mr. KITTY. Yes, sir; I have, sir.

Mr. COHN. Keep your voice up a bit, will you?

Where have you worked for the Government?

Mr. KITTY. Evans Signal Laboratory.

Mr. COHN. And during what period of time were you employed at Evans Signal Laboratory?

Mr. KITTY. 1942 to 1945.

Mr. COHN. After you left Evans, where did you go?

Mr. KITTY. I went to work for Bendix radio division.

Mr. COHN. How long were you with Bendix?

Mr. KITTY. Seven years.

Mr. COHN. That is 1945 to 1952?

Mr. KITTY. That is right.

Mr. COHN. While you were at Bendix, did you work on any Government work?

Mr. KITTY. Yes, sir; I did.

Mr. COHN. Classified?

Mr. KITTY. Yes, sir.

Mr. COHN. Was any of it Army work?

Mr. KITTY. Yes, sir.

Mr. COHN. It was classified work, is that right?

Mr. KITTY. Yes, sir.

Mr. COHN. In 1952?

Mr. KITTY. That is right.

Mr. COHN. Now, Mr. Kitty, were you ever a member of the Young Communist League?

Mr. KITTY. Yes, sir; I was, sir.

Mr. COHN. Where was that?

Mr. KITTY. Cooper Union; and before that neighborhood club at New York.

Mr. COHN. First a neighborhood club at New York and then at Cooper Union, is that right?

Mr. KITTY. Yes, sir.

Mr. COHN. In what years were you in the YCL at Cooper Union?

Mr. KITTY. Between 1938 and 1941.

Mr. COHN. Was there a man by the name of Harry Sachs? Did you know him?

Mr. KITTY. I did not know him at Cooper Union; I met him later.

Mr. COHN. Where did you meet him?

Mr. KITTY. Evans Signal Laboratory.

Mr. COHN. Now, did you find out from conversations with Mr. Sachs that he had been a member of the YCL?

Mr. KITTY. I don't recall. I never attended any meetings with him, but I understood from conversations that he had been.

Mr. COHN. That he had been a member?

Mr. KITTY. Yes, sir.

Mr. COHN. Did you meet Alfred Surrene up at Evans Signal Laboratory?

Mr. KITTY. No, sir.

Mr. COHN. Did you know whether or not Surrene was a Communist?

Mr. KITTY. I did not.

Mr. COHN. You had no way of knowing that one way or the other?

Mr. KITTY. I did not.

Mr. COHN. Now, Mr. Kitty, do you know Aaron Coleman?

Mr. KITTY. Yes, sir; I do.

Mr. COHN. You have seen him here this morning?

Mr. KITTY. Yes, sir.

Mr. COHN. Did you ever work with Coleman at Evans Signal Laboratory?

Mr. KITTY. Yes, sir; I worked for him.

Mr. COHN. He was your boss; is that right?

Mr. KITTY. Yes, sir.

Mr. COHN. During what period of time was that?

Mr. KITTY. 1942 to 1944.

Mr. COHN. Then he left and went on military leave, is that right?

Mr. KITTY. That is right.

Mr. COHN. And he was away from Evans for a couple of years and then returned, is that right?

Mr. KITTY. That is right.

Mr. COHN. Did you see him again after he returned?

Mr. KITTY. Yes, sir, I did.

Mr. COHN. By the way, did Mr. Coleman know Harry Sachs?

Mr. KITTY. I would say so; yes, sir.

Mr. COHN. Do you have a definite recollection that they did know each other?

Mr. KITTY. Yes, sir, for a while I believe Harry Sachs moved into the apartment that Coleman vacated when Coleman went to the marines.

Mr. COHN. Now, Coleman's military leave was around 1944 to 1945 or 1946, is that your recollection on that?

Mr. KITTY. Yes, sir.

Mr. COHN. Now, Mr. Kitty, did Coleman ever directly or indirectly ask you to take radar material and classified material from the Evans Signal Laboratory and send it to him when he was not with the Evans Signal Laboratory?

Mr. KITTY. Yes, he did.

Mr. COHN. Did he ever ask you that directly?

Mr. KITTY. I don't recall whether he asked me directly in a conversation; to the best of my recollection it is that he made a request through correspondence and possibly through Mr. Okun, a mutual acquaintance.

Mr. COHN. That is Jack Okun?

Mr. KITTY. Yes, sir.

Mr. COHN. Do you have a definite recollection of some of these requests coming through Okun?

Mr. KITTY. Yes, sir.

Mr. COHN. Now, as a result of these requests, did you take any classified material from Evans Signal Laboratory and send it to Mr. Coleman?

Mr. KITTY. Yes, sir; I did.

Mr. COHN. Did you send any of it to him directly?

Mr. KITTY. Yes, sir; I did.

Mr. COHN. How did you send it to him?

Mr. KITTY. By correspondence.

Mr. COHN. You sent it to him through the mails?

Mr. KITTY. Yes, sir.

Mr. COHN. In those letters, containing that classified material, did you, in addition to the written information, supply some sketches?

Mr. KITTY. Yes; I did, sir.

Mr. COHN. Now, in addition to your direct communication with Mr. Coleman, did you furnish him with material through Mr. Okun?

Mr. KITTY. I don't recall that I did, but it is quite possible that I did.

Mr. COHN. What you recall about Mr. Okun is that the requests came through him?

Mr. KITTY. That is right.

Mr. COHN. Do you recall requests coming through Okun and that the material was supplied directly by you to Coleman; is that right?

Mr. KITTY. That is right.

The CHAIRMAN. Mr. Cohn, at this time may I ask, does the record show that the Army intercepted some of those letters with classified material in them directed to Mr. Coleman?

Mr. COHN. I was about to ask Mr. Kitty: Do you know whether or not the Federal Bureau of Investigation is in possession of some of those letters which you wrote to Mr. Coleman containing this classified material?

Mr. KITTY. Yes, they are.

Mr. COHN. They have shown those letters to you?

Mr. KITTY. Yes.

Mr. COHN. And you recognized them and identified them?

Mr. KITTY. That is right.

Mr. COHN. And have you supplied the committee with the names and identities of some of the projects concerning which you supplied Mr. Coleman with material? You have told that to us, is that right?

Mr. KITTY. Yes, I have.

Mr. COHN. I do not want to go into those now, because we have not determined that that is unclassified, in the case of one there is a possibility that the actual designation is still classified, and I do not want to go into that in public session now.

Did there come a time when you refused to continue furnishing this information to Coleman?

Mr. KITTY. Yes, sir; there did.

Mr. COHN. About when was that?

Mr. KITTY. I would guess about September of 1944.

Mr. COHN. And at that time, did a request come from Okun for some specific items?

Mr. KITTY. I do not recall that the request came directly from Mr. Okun; I do not know the refusal to give the information was made to Mr. Okun.

Mr. COHN. The refusal was made by you to Mr. Okun?

Mr. KITTY. Yes, sir.

Mr. COHN. You told him you did not want any more of it and would not supply this or any further information?

Mr. KITTY. That is correct.

Mr. COHN. That was the last that you heard about that?

Mr. KITTY. That is right, sir.

The CHAIRMAN. At the time the FBI questioned you, they showed you letters that they had intercepted and letters from you to Coleman containing classified material, is that correct?

Mr. KITTY. That is right, sir.

Mr. COHN. You do not know what Coleman actually did with this information, do you?

Mr. KITTY. No; I don't know.

Mr. COHN. Is it correct to say that it was your assumption that what he was going to do with it was use it in connection with Marine Corps work or something like that?

Mr. KITTY. Yes, it was my impression.

Mr. COHN. Then there came a time when you felt if that is what he wanted it for, he should ask for it through official channels and not in

the way it was going on, and you refused to do this any more and you refused to supply any further information?

Mr. KITTY. That is right, sir.

Mr. COHN. That is right?

Mr. KITTY. Yes.

Mr. COHN. I have nothing further.

The CHAIRMAN. Just one further question. I think counsel made this clear, but as far as you are concerned, you have no way of knowing whether or not Coleman might merely have asked you for this in connection with his work?

Mr. KITTY. Would you repeat that, sir?

The CHAIRMAN. As far as you are concerned, you do not have any information what Coleman did with the material?

Mr. KITTY. No, sir; I do not.

Mr. COHN. All you know is what you told us here, and the fact after you had done this for a while, you made up your mind if he wanted it for what he said he wanted it for, it should be secured by a formal request through channels, and you would no longer supply information in the way you had been doing it?

Mr. KITTY. That is right, sir.

Mr. COHN. I have nothing further.

The CHAIRMAN. May I say, Mr. Green, this is perhaps the last time we recall this witness, and if you have any questions you want to ask, if you will jot them down, you can send them up.

Mr. GREEN. Written questions, Senator?

The CHAIRMAN. Yes. Or if something important comes up, we will call him back.

Mr. GREEN. I do not think I can conduct cross-examination by written questions. It would delay the whole proceeding, and I do not think it would be satisfactory to anyone.

The CHAIRMAN. Thank you.

Who is your next witness:

Mr. Green, I will not be able to finish with Mr. Coleman this morning, and it is possible he may want to go back to the stand this morning, however. Unless he prefers to go on today, we will hold up his testimony and put him on tomorrow. We will not be able to finish with him today. Is it satisfactory to wait until tomorrow?

I say we cannot finish with him today, and we will not call him again this morning unless for some reason he wants to go back on the stand. He may want to comment on some of the testimony that has been given here about him today. Otherwise he will be called at 10:30 tomorrow morning or perhaps 11 o'clock tomorrow morning. Is that satisfactory?

Mr. GREEN. That is satisfactory.

The CHAIRMAN. The committee will adjourn until 11 o'clock tomorrow morning.

(Whereupon, at 11:30 a. m., the subcommittee recessed, to reconvene at 11 a. m. Wednesday, December 9, 1953.)

APPENDIX

EXHIBIT No. 2

[P. 8 Daily Worker, New York, Thursday, February 14, 1952]

A Conference on

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

HEARINGS
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

S. Res. 40

PART 2

DECEMBER 9, 1953

Printed for the use of the Committee on Government Operations



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954

Boston Public Library
Superintendent of Documents

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

WEDNESDAY, DECEMBER 9, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40, agreed to Jan. 30, 1953) at 11:10 a. m., in the caucus room of the Senate Office Building, Senator Joseph R. McCarthy (chairman) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; Thomas W. LaVenia, assistant counsel; Daniel G. Buckley, assistant counsel; and Ruth Y. Watts, chief clerk.

The CHAIRMAN. The committee will come to order.

Mr. Counsel, who is your first witness?

Mr. COHN. Mr. Reid, Mr. Chairman.

The CHAIRMAN. Will Mr. Reid come forward?

Will you stand up and raise your right hand?

In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REID. I do; yes, sir.

TESTIMONY OF ANDREW J. REID

Mr. COHN. May we have your full name, please?

Mr. REID. Andrew J. Reid.

Mr. COHN. How is that last name spelled?

Mr. REID. R-e-i-d.

Mr. COHN. Where do you reside, Mr. Reid?

Mr. REID. 44 Lefetra Avenue, Eatontown, N. J.

Mr. COHN. What is your occupation?

Mr. REID. Chief agent, G-2, Fort Monmouth, N. J.

Mr. COHN. You are the chief agent of G-2, Fort Monmouth, N. J.?

Mr. REID. Yes, sir.

Mr. COHN. Is that correct?

Mr. REID. Yes, sir.

Mr. COHN. How long a period of time have you held that position?

Mr. REID. For 13 years, going on 13 years.

Mr. COHN. For over 12 years, going on 13 years?

Mr. REID. Yes, sir.

The CHAIRMAN. Just for the record, in case anyone does not know what G-2 is, that is Army Intelligence; is that right?

Mr. REID. That is right.

Mr. COHN. Mr. Reid, did you hold that position in 1946?

Mr. REID. Yes, sir.

Mr. COHN. You did?

Mr. REID. Yes, sir.

Mr. COHN. You were chief agent at that time?

Mr. REID. Yes, sir.

Mr. COHN. Do you know a man by the name of Aaron Coleman?

Mr. REID. Yes, sir.

Mr. COHN. Was Mr. Coleman working at the Evans Signal Laboratory in Fort Monmouth in 1946?

The CHAIRMAN. Could we have the record show at this point that a representative of the Army has stated that up to this point they have not had a chance to discuss with Mr. Reid what he could safely discuss without violating Army security regulations. For that reason Mr. Adams, legal counsel for the Army, has asked for permission to sit beside Mr. Reid, and he has been granted that permission.

Let me say that at any time if you think that Mr. Reid is violating any security regulations, feel perfectly free to interrupt him, will you?

Mr. ADAMS. Yes.

Mr. COHN. Did you have, as chief agent, some familiarity with the work going on at Evans Signal Laboratory, the general type of work?

Mr. REID. Yes, sir.

Mr. COHN. Was that extremely sensitive work?

Mr. REID. Yes, sir.

Mr. COHN. Would you say it was vital to the security of the United States?

Mr. REID. Yes, sir.

Mr. COHN. And that if any part of the work there was carelessly handled and got into the hands of the enemy, that it would be an extremely serious situation?

Mr. REID. It could be.

The CHAIRMAN. May I interrupt to tell the cameramen, while I think that you should have the same consideration as any other news media, too many of the witnesses object to having cameramen poised before them with flash bulbs waiting, and I wonder if you could not move back.

Mr. COHN. Mr. Reid, was Mr. Coleman the holder of an important position at the Evans Signal Laboratory?

Mr. REID. Yes, sir.

Mr. COHN. Did he have access to classified material?

Mr. REID. Yes, sir.

Mr. COHN. And material that was of an important nature?

Mr. REID. Yes, sir.

Mr. COHN. Now, did Mr. Coleman come to your attention in 1946 under certain circumstances?

At any time you think Mr. Adams does not want you to say something, just confer with him.

(Witness conferred with Mr. Adams.)

Mr. REID. Counsel advises me I cannot answer that question.

Mr. COHN. You cannot answer that question?

Mr. REID. Under the existing directive.

The CHAIRMAN. Let me say I think Mr. Adams is in error on this point. We are not asking for the status of the case, and we are going

into the method whereby it was found that Coleman was removing secret materials from the laboratories and conditions surrounding it, and how he was discovered to have had secret material.

Mr. COHN. I was going to add this was not treated by the Army as a case coming within the President's directive, because when we went up to Monmouth and examined this situation, the papers relating to this case were contained in the 201 file, the personnel file, which is specifically available to committee of Congress even under the Truman order. Those papers were in that file at that time, and this committee saw them and copied them, and this matter was not then treated by the Army as a case under the President's order; and I do not see why that order should be invoked at this point.

The CHAIRMAN. I think you are in error on that, John, and I think it would be a great mistake to invoke the Truman order on that particular information.

Mr. COHN. Furthermore, documents relating to this have been formally supplied to us by the Army.

Mr. ADAMS. If this refers to the investigation by that board of officers, the committee already has those facts and I am in error; I was speaking about investigations of loyalty and security. If it is not about that, you may answer.

Mr. COHN. The inquiry, Mr. Adams, is directed to the documents taken by Coleman and found in his home.

The CHAIRMAN. That list of documents has already been made public.

(Witness conferred with Mr. Adams.)

Mr. REID. What was the question?

Mr. COHN. Could we have the question?

(Question read by the reporter.)

Mr. REID. Yes, sir.

Mr. COHN. Would you tell us what those circumstances were, Mr. Reid?

Mr. REID. In September, I think it was the 27th, of 1946, Mr. Coleman was brought to my attention due to the fact——

Mr. COHN. I am having a little trouble hearing.

Mr. REID. He was brought to our attention due to the fact he had been stopped at the gate going into the laboratory with some classified documents. The guard reported that to his superior, who reported it to our office.

Mr. COHN. Was that reported to you personally?

Mr. REID. Yes, sir.

Mr. COHN. What did you do after that was reported to you personally?

Mr. REID. I called Mr. Coleman into the office and I asked him for an explanation of it, and if he had any documents in his home.

Mr. COHN. That is very important. You say you asked him whether or not he had any other documents, any other classified documents in his home, is that correct?

Mr. REID. Yes, sir.

Mr. COHN. What did Mr. Coleman tell you when you asked him that question?

Mr. REID. Well, I specifically asked him the same question three times, and the first time he denied having any documents in his home.

Mr. COHN. The first time you asked him that question, he flatly denied having any of those documents?

Mr. REID. Yes, sir.

Mr. COHN. And he said he did not?

Mr. REID. That is right.

Mr. COHN. Did that statement later turn out to be untrue?

Mr. REID. The second time I asked him, he said maybe, and the third time I asked Mr. Coleman, he said, "Yes."

Mr. COHN. Now, after he said "Yes," that he did have other documents in his home, did you at that time decide that you would like to have his apartment searched?

Mr. REID. Yes, sir.

Mr. COHN. Did you follow procedure then in asking to execute a consent to search?

Mr. REID. Yes, sir.

Mr. COHN. Did he execute that right away?

Mr. REID. He did, I believe, after he talked to his lawyer. He requested permission to talk to his lawyer, and he was taken downstairs where he was allowed the use of a telephone, and I believe that he talked to his lawyer.

He then came upstairs and agreed to sign the waiver.

The CHAIRMAN. He knew, of course, that if he did not agree to the search, that you would get out a search warrant.

Mr. REID. He was advised of that fact, sir.

The CHAIRMAN. It was only after he was advised of the fact that you would get a search warrant that he did consent to have the search made, is that correct?

Mr. REID. Yes.

Mr. COHN. Now, Mr. Reid, was the apartment of Mr. Coleman, or the home of Mr. Coleman searched by some of your agents?

Mr. REID. Yes, sir, two agents.

Mr. COHN. What did they find?

Mr. REID. They found numerous documents, in excess of 40. I am not sure just the exact number, but it was over 40 documents, some of them were classified secret; some confidential; and some restricted; and some unclassified. And the exact number of each classification, I do not know.

Mr. COHN. Were these documents seized by the agents and brought to your office?

Mr. REID. Yes, sir.

Mr. COHN. Did you examine those documents?

Mr. REID. Yes, sir.

Mr. COHN. Did you examine the information in them?

Mr. REID. Yes, sir.

Mr. COHN. Was that information of importance to the security of the country?

Mr. REID. I thought so.

Mr. COHN. Pardon me.

Mr. REID. I thought so.

Mr. COHN. Did you regard this as an extremely serious thing?

Mr. REID. Yes, sir.

Mr. COHN. Did you ever in the entire time you have been chief agent out at Fort Monmouth, encounter anything this serious, along these lines?

Mr. REID. No, I have not.

Mr. COHN. And, Mr. Reid, of course, I think the record speaks for itself in the fact that by virtue of the fact these documents were found there, Mr. Coleman had not been telling the truth when he denied to you that he had any of these documents at home?

Mr. REID. That is right, sir. He did change his story.

Mr. COHN. Now, Mr. Reid, did you write a report of this entire incident?

Mr. REID. Yes, sir.

Mr. COHN. Did you submit that report to your superiors?

Mr. REID. That is right.

Mr. COHN. And was Mr. Coleman promptly fired from Fort Monmouth for what he had done?

Mr. REID. No, sir.

Mr. COHN. What happened?

Mr. REID. He was subsequently suspended for 10 days.

Mr. COHN. And then he was put back right where he was, is that right?

Mr. REID. Yes, sir.

Mr. COHN. Now, Mr. Reid, I want to ask you another question: When did there first come to your attention, and when did you first call to the attention of your superiors, information from the FBI concerning Communist connections on Mr. Coleman's part?

Mr. REID. Now, I am not going to answer that question, on advice of counsel.

Mr. COHN. You regard that question as coming within the directive?

Mr. REID. Yes, sir.

Mr. COHN. Can you tell the committee the names of the people to whom this FBI information was given, plus the fact that Coleman had been found with these forty-odd documents in his home, plus the fact that he had lied when asked whether or not he had them there, and plus the fact of his request to Kitty for classified information which had been intercepted were a matter of record, plus the allegations concerning his membership in and participation in the Young Communist League and his association with Julius Rosenberg? Can you tell us the names of the people who were given all of that information, and who in the face of it, left Mr. Coleman where he was and never even went to the trouble of ordering a hearing to determine the facts and see whether or not he should remain where he was?

Mr. REID. I could not answer that question.

Mr. COHN. You feel under the directive that you cannot answer that question?

Mr. REID. Yes, sir.

The CHAIRMAN. Mr. Reid, one other question. We already have the information, but I think it should be inserted in the record: Is it correct that in 1951 the FBI made available to the Signal Corps Laboratories at Fort Monmouth a lengthy report pointing out that well-established Communist infiltration existed and the situation was potentially extremely dangerous from the standpoint of espionage? This report further contained a list of individuals with information as to their Communist affiliation, and Aaron Coleman's name was on that list.

(Witness conferred with Mr. Adams.)

The CHAIRMAN. Do you feel that is within the directive?

Mr. REID. That is within the directive, sir.

The CHAIRMAN. We certainly cannot order you to answer that. You are following advice of the counsel for the Army and I assume that Mr. Adams is trying hard to stay within the rules and regulations that are set down. But, John, let me say this, I think this is something of extreme importance, and I do not think this committee can perform its function unless we have this information. We know that the FBI did send over a lengthy and rather vigorous report on Coleman in 1951.

Mr. COHN. The information we have, Mr. Chairman, actually the information which we have gathered from Army files would indicate that the FBI reports came in as early on Coleman as 1949.

The CHAIRMAN. I am talking about a comprehensive report which you now have in your files over at Fort Monmouth, a report from the Bureau covering not only Coleman but others.

Now, I think it is impossible for us to conduct a thorough investigation unless we know who saw that report and who ignored it in 1951. It is a situation that I assume parallels the Harry Dexter White case. You have the FBI report, and you apparently have an intelligence officer, Mr. Reid, out there, who is willing to do his job, and I think trying to do a good job; and some place somebody is tying someone's hands.

I think it is extremely important that no one remain in this new administration of the Army who has been ignoring FBI reports of potential espionage and Communist infiltration under the old administration.

I am going to ask you, Mr. Adams, if you will not take this matter up with the Secretary of the Army, who in turn may want to take it up with the President, and see if that information cannot be forthcoming. I am not asking you to supply it this morning, and I think under the old Truman order of 1948 that you could not supply it. In other words, I think that your legal advice is correct under the orders that exist.

Mr. COHN. Mr. Reid, is it a fact that following a number of reports from the FBI concerning Communist connections of Coleman and concerning participation in Young Communist League activities by Coleman, and his association with Julius Rosenberg, including Julius Rosenberg's trial testimony, is it a fact that following those events, Coleman was not once, but continuously, promoted?

Mr. REID. I cannot answer that, sir.

Mr. COHN. Do you feel that would come within the directive?

Mr. REID. Not only that; I would not know the information.

Mr. COHN. Would you give us that information, having checked

Mr. COHN. Do you feel that would come within the directive?

Mr. ADAMS. He would not know.

Mr. COHN. He would know, because you could check the dates when FBI reports came up containing the information, and then you can check the dates of promotions.

Mr. REID. We are not authorized to give that information.

Mr. COHN. You feel that would come within the order?

Mr. REID. Yes.

The CHAIRMAN. You could give the dates of his promotion and that would not come within the directive. Do you know the dates of his various promotions?

Mr. REID. Yes.

The CHAIRMAN. Without relating it to the FBI report.

Mr. REID. Yes, sir.

The CHAIRMAN. I wonder if you could give us those dates.

Mr. REID. I have not got them, sir. I do not know what they are at this time, and I would have to refer to the personnel file, Mr. Coleman's personnel file.

The CHAIRMAN. Counsel has the file here. In view of the fact you do not remember, it would be unfair for you to rely upon your memory and guess. We will get the information from the files which we have here.

Mr. COHN. I see there was a promotion on July 8, 1951.

The CHAIRMAN. Incidentally, for the record, his promotion was subsequent to the date of a rather comprehensive report on Mr. Coleman from the FBI to the Army according to the Army records.

I wonder if you could do this for us, and this would not violate any security regulations: Could you, or if you are not the man to do it, have someone else over there check and find out who was responsible for his promotions, all promotions that he received, and all changes in his job status from 1946 up to date.

Mr. REID. I think that request should be submitted to the Department of the Army.

Mr. ADAMS. I will be glad to submit to the committee a communication outlining the status of Mr. Coleman's personnel advancements in the Army since 1945, if you wish it.

The CHAIRMAN. And I assume, John, that could include without any violation of the regulations the names of the individuals who were responsible for his promotion.

Mr. ADAMS. Yes.

The CHAIRMAN. I have one other question, and this has come up before: You have, as you know, a board of 20 civilians over there in the Pentagon who are the final appeal board, and we have had the complaint from some of the people at Monmouth who were responsible for security that when a man was suspended, at least they would get by the first Army loyalty board, which apparently was difficult, and that the first Army loyalty board would order his discharge. Then the case would go to the old board in the Pentagon, and there were some 35 cases, and my figures may be off, and you would know, but there were some 35 cases that were found unfit because of Communist activities, and all except 2 were ordered reinstated.

As the previous commanding officer told us in executive session, he said, "With that experience, we just gave up." He said, "We would pick the rottenest apples in the barrel and we would find them unfit, and we would get through a first Army board, which," as he said, "was very liberally inclined toward the employee." But even then I am not sure if the figures are correct. It was his estimate that out of 35 cases that were found unfit, all because of Communist activities and connections, 33 were ordered reinstated and their back pay paid to them.

I think for that reason it is important that this subcommittee be furnished the names of the members of the loyalty board who passed upon Mr. Coleman's case and ordered him reinstated.

Mr. COHN. I think along those very lines, the very point you make, we have been able to place under subpoena one of those persons who was suspended and the suspension upheld by the regional board, and then he was ordered reinstated by the Secretary's screening board, and we have subpoenaed him, and I think he will be in public session this week, and I think that will present a very graphic example of the way in which things were run over there.

The CHAIRMAN. Also, Mr. Adams, as well as being furnished the names of those who passed upon Coleman's case, I would like to know how many of the men who were on that loyalty board under the previous administration clearly doing a job far beyond words, how many of them still are acting as the loyalty board.

Now, I hope the Army approves our request for this information. We can obviously get it, but it will be very difficult if we have to subpoena all of the members of the board and find out when they were appointed.

Mr. ADAMS. We can give you the names of the members of the screening board, and we will give you the names of the members of the board and the dates on which they have served. We may not, under existing policy, give you the names of the members of the board who sat on particular panels which considered any particular case. So we will be restricted by that limitation.

The CHAIRMAN. We will have to call all of the members of the board and put them under oath, and may I say, John, and this is not criticism of you; I think that you have tried to cooperate with this committee fully, and I think Mr. Stevens has. I think it is ridiculous beyond words to follow the old Truman order to the effect a congressional committee cannot get the names of a board who cleared men with clear-cut Communist connections, and I am not referring to the Coleman case, but to the situation in general.

We should know what the pattern is, whether it is the same individuals who have been clearing individuals with Communist backgrounds, and so I am going to ask you to give us a report on it, and I am going to ask you to have Mr. Stevens take that up with the President. I do not think the President will take the attitude that he wants to hide any members of the old administration who, in turn, hide Communists; and I am sure that is not Eisenhower's intention, and I am sure he will give us those names.

If you will furnish us a report on this problem, we will appreciate it. Could you do that within the next week or so?

Mr. ADAMS. Yes.

The CHAIRMAN. Are there any more questions of this witness?

Mr. COHN. No.

The CHAIRMAN. We will return to Mr. Reid, and we will clear up the matter of questions he can and cannot answer and his opinion of the present regulation.

Mr. Reid, I am now going to ask you some general questions not having to do with any specific individual, and I believe you and I agree that where I ask you general questions about the security in

general, as long as we do not apply it to a particular individual, you will be able to answer those questions; is that right?

Mr. REID. Yes, sir.

The CHAIRMAN. You have been the security officer at Fort Monmouth for how many years now?

Mr. REID. About 12½ years, sir. Change it from security to intelligence.

The CHAIRMAN. I may say, for your benefit, to keep the record clear, so this will not appear as an attempt to criticize you, I think the files indicate that you and the FBI have done a good job, the fault is not at your level, it is at the level of those who refuse to recognize the material that you dig up.

Can I ask you this question: Over that 13-year period of time have you repeatedly furnished information on individuals whom you considered very dangerous to the security of this country and discovered that they were kept on there year after year even after you had supplied the complete facts on them?

Mr. REID. Yes, sir.

The CHAIRMAN. I hope, Mr. Reid, we can have the rule changed so we can go into the individual cases, but obviously you are tied down today and you cannot go into those questions under the present regulations. So we will not ask you about any particular individual. I want to thank you very much for your appearance here.

I have just one other question, Mr. Reid. Would you say there has existed for a long period of time a situation that is dangerous to the security of this Nation from the standpoint of potential espionage?

Mr. REID. I do not think that I could answer that, sir.

The CHAIRMAN. That will be all.

Mr. Coleman, will you take the stand?

TESTIMONY OF AARON HYMAN COLEMAN (ACCOMPANIED BY HIS COUNSEL, RICHARD F. GREEN, OF ELIZABETH, N. J.)—Recalled

The CHAIRMAN. Mr. Coleman, before we start asking you questions, if you care to, you may comment at as great length as you care to on the testimony that has been heard here in regard to your activities; and if not, we will proceed to ask you some questions.

(Witness conferred with his counsel.)

Mr. COLEMAN. I would like to comment on the evidence that has been given this morning about documents which were found in my apartment in 1946.

The circumstances surrounding that, to the best of my recollection, are as follows: About September, the end of September of 1946, I was leaving the laboratories with a registration card for the Brooklyn Polytechnic Institute. On my way out of the parking lot I was stopped by the guard and asked what the card was. I showed it to him, and he asked me for my name and badge number.

That afternoon I was escorted to Mr. Reid's office, as he described.

The CHAIRMAN. May I interrupt as you go along, if you do not mind. At the time the guard stopped you, is it a fact that you were carrying some material under your coat and it dropped out, and he saw it?

Mr. COLEMAN. I had this pink registration card which was not supposed to be folded. I carried it in my coat pocket.

The CHAIRMAN. And it dropped out and he saw it?

Mr. COLEMAN. No, sir, I believe what I did, I went to the parking lot, and I put it on the seat of the car, and the guard apparently saw me do that, and he wondered what it was, and I showed it to him, and he took my name and badge number.

The CHAIRMAN. Was there an occasion on which you were going out the gate with classified material under your coat?

Mr. COLEMAN. I have no recollection.

The CHAIRMAN. And the material dropped on the ground and the guard then took you to Mr. Reid's office? Did that happen?

Mr. COLEMAN. I have no recollection of such an incident.

The CHAIRMAN. If it did happen, you would remember it, would you not?

Mr. COLEMAN. I think so.

The CHAIRMAN. Do you think so? It would not be an everyday occurrence if you were carrying classified material from a secret radar laboratory, under your coat, and it dropped out and the guard witnessed the event and picked you up? You would not forget that, would you?

Mr. COLEMAN. I do not think I would, no.

The CHAIRMAN. You do not think you would?

Mr. COLEMAN. I do not think so.

The CHAIRMAN. Do you at this time, is there any doubt in your mind?

Mr. COLEMAN. I am not sure I understand. Doubt about what?

The CHAIRMAN. About whether you would remember an occurrence of that kind.

(Witness conferred with his counsel.)

The CHAIRMAN. I may say, Mr. Coleman, for your benefit, we have found so many discrepancies in your testimony already that this is going to be referred to the Attorney General at least on the ground of perjury and maybe on other grounds, and for that reason, take your time on these questions; and I do not want you at any future time to make the claim that you did not understand the question and that you were confused, that you were trapped into anything. It is a very simple question.

(Witness conferred with his counsel.)

Mr. COLEMAN. I do not have any doubts.

The CHAIRMAN. You say you had no classified material on you that particular day?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. You say you had no classified material?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. Do you mean yes, you did not?

Mr. COLEMAN. I did not have any classified material.

The CHAIRMAN. Then you were taken to Mr. Reid's office?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. And you were asked about whether or not you were carrying classified material out of the plant?

Mr. COLEMAN. I was asked to describe the material.

(Witness conferred with his counsel.)

Mr. COLEMAN. He asked me whether I was carrying classified material out at that time, and I told him that I was carrying out this pink registration card.

The CHAIRMAN. Was that the only material that you had? I would suggest that you think very carefully before you answer. Was that the only material you were carrying out of the radar lab that day?

(Witness conferred with his counsel.)

Mr. COLEMAN. To the best of my memory today, that is the only material that I was carrying with me at that time.

The CHAIRMAN. It was not classified?

Mr. COLEMAN. Yes, sir, it was not classified.

The CHAIRMAN. Mr. Reid, could I bother you again, I wonder.

TESTIMONY OF ANDREW J. REID—Recalled

The CHAIRMAN. I have just one question. Is it correct on the day Mr. Coleman was picked up by the guard, it was reported to you he had classified material in his possession?

Mr. REID. I cannot remember, sir, whether it was or not; I do not remember that.

The CHAIRMAN. Would your files show that?

Mr. REID. It might, sir, but I do not know.

The CHAIRMAN. Would you check your files for us on that?

Mr. REID. Yes, sir, I will be glad to do that.

The CHAIRMAN. Thank you very much.

TESTIMONY OF AARON HYMAN COLEMAN (ACCOMPANIED BY HIS COUNSEL, RICHARD F. GREEN, OF ELIZABETH, N. J.)—Recalled

The CHAIRMAN. They said they took you to Mr. Reid's office because you had an unclassified registration card in your possession?

Mr. COLEMAN. I do not know for what reason they took me, but I believe it was because of this incident.

The CHAIRMAN. And you had a perfect right to take this registration card out, did you not?

Mr. COLEMAN. I think so, yes, sir.

The CHAIRMAN. And you say because you folded this card they picked you up?

Mr. COLEMAN. I say I do not know why they picked me up, but the guard wanted to know what this card was, and I showed it to him, and it is my understanding that the guard was not permitted to make an evaluation of the incident, and he was required to report anything that he had noticed.

The CHAIRMAN. If the guard caught anyone taking classified material out of the plant, it was his job to report that to the G-2?

Mr. COLEMAN. I do not know what instructions he had, and I am assuming that he reported whatever he thought was pertinent.

The CHAIRMAN. On all of the other occasions when you removed classified material from the plant, did you display it to the guard as you left the gate?

Mr. COLEMAN. Did I display what to the guard?

The CHAIRMAN. The various pieces of classified material that were picked up when Army Intelligence searched your apartment.

(Witness conferred with his counsel.)

Mr. COLEMAN. Most of the time I displayed the material, but sometimes the guard was only interested in whether or not I had a

pass authorizing me to remove classified material, and they sometimes did not examine all of the material themselves.

The CHAIRMAN. Now, we have had you before the committee in executive session for a considerable period of time, and as I recall, the first time you testified you said that you had a pass to take each of the secret documents out of the plant which you took out. The second time you appeared, as I recall, you said you did not mean a pass to take the material out of the plant, but you were talking about a pass which you signed within the plant when you received material within the plant.

Will you clarify for us today now this question of whether or not you had a pass to remove all of those secret documents from the plant or whether when you refer to a pass you are referring to an interplant pass?

Mr. COLEMAN. To the best of my recollection, there were three ways by which an individual could remove material with authorization from the laboratories. One method was a pass which was signed either by the Director or the Adjutant, which was a white pass, a small card that you carried in your wallet. That authorized you to remove classified material, and the nature and classification was stated on the pass.

The CHAIRMAN. You say there was a pass which not only gave you access to classified material, but the pass allowed you to remove from the radar laboratories classified material?

Mr. COLEMAN. I believe this pass specifically authorized you to remove classified material.

The CHAIRMAN. Is it your testimony today under oath there was in existence at Fort Monmouth a pass which allowed the employees to remove or take away from the laboratories secret material?

Mr. COLEMAN. Certain employees, yes, sir.

The CHAIRMAN. And did you have such a pass?

Mr. COLEMAN. I had such a pass.

The CHAIRMAN. And if you had that pass, you did not have to account to anyone for the removal of the secret material?

Mr. COLEMAN. Well, I wanted to tell you about the other method of removing it.

The CHAIRMAN. Tell us this method first.

Mr. COLEMAN. You had to show the guard what you had, and he would look at your pass, and see if it was properly signed and see what the nature of the classification was, and sometimes he would check to see that you did not exceed that classification.

The CHAIRMAN. Now, I do not quite understand this. We have a list here of secret documents which were removed having to do with radar and radar defenses, and you say you got by the guard with all of those, but the day you took out an unclassified card or registration card, for some reason or other he picked you up then and took you to the security office. I am just curious to know how that could happen. I may say it does not jibe with the stories we have heard from others. You may consult counsel.

(Witness conferred with his counsel.)

The CHAIRMAN. While Mr. Coleman is consulting with counsel, we will read into the record the definition of secret which is followed at Fort Monmouth:

Information and material, the unauthorized disclosure of which would endanger national security, cause serious injury to the interests or prestige of the Nation, or would be of great advantage to a foreign nation, shall be classified "Secret."

The following examples are then given of secret material:

- (a) Particulars of operations in progress.
- (b) Plans or particulars of operations, or war plans with necessary enclosures thereto, not included under "Top Secret."
- (c) Instructions regarding the employment of important new munitions of war, including scientific and technical developments.
- (d) Important improvements to existing munitions of war until accepted for security use including scientific and technical developments.
- (e) Information relating to new material (matter) including material (matter) of the type described in 1 above.
- (f) Information of the type described in 1 above concerning specific quantities of war reserves.
- (g) Development prospects of the type described in 1 above.

Mr. Reporter, this is rather lengthy, and we will give it to the reporter to copy. You will copy page 42 down to the end of the definition of "Secret."

(It is as follows):

- (h) Information of enemy or potential enemy material or other material, procedure, dispositions, and activities, the value of which depends upon concealing the fact that we possess it.
- (i) Reports of operations containing information of vital interest to the enemy.
- (j) Vital military information on important defenses.
- (k) Adverse reports on general morale affecting major operations.
- (l) Communication intelligence information and important communication security devices and material of the type described in 1 above.
- (m) Certain new or specialized techniques or methods to be used in future operations. The identity and composition of units, wherever located, which are especially intended for employment of such techniques or methods.
- (n) Information indicating the strength of our troops, air and naval forces, identity or composition of units or quantity of specific items of equipment pertaining thereto in active theaters of operation, except that mailing addresses will include organizational designations.
- (o) Photographs, negatives, photostats, diagrams, or models of secret matter.
- (p) Certain compilations of data or items which individually may be classified "Confidential" or lower when the aggregate of the information warrants the higher classification.

The CHAIRMAN. Do you recall the question?

Mr. COLEMAN. No, sir.

I would like to explain that, if you will permit. That is, the circumstances require a little detailed elaboration. First of all, all of the documents listed there are not secret; some were unclassified, and some were marked "Restricted," and some were marked "Confidential," and some were marked "Secret."

Not all of them were removed from the laboratories. Some were removed from the laboratories with 1 of the 3 methods I was trying to describe before. Some I received while in the Marine Corps, and some were personal notes of technical data of an unclassified nature that I had received elsewhere, which I had obtained as an engineer trying to do my job.

The CHAIRMAN. Let us stick to those that you removed from the radar laboratories. Is it your testimony now, Mr. Coleman—this is the third time you have testified now—and the first time you said you signed a pass for everything, and you explained you would sign it and someone else would countersign the pass for the specific item.

And the next time you appeared before us you said you did not mean you signed a pass when the material was taken from the building on all occasions and you were referring to a pass signed within the laboratory; when you would get a secret document from someone else, you would give him a receipt for it, and that is what you meant by a pass.

Is it your testimony today, now, there is a third method, that at times you took the material from the building merely by displaying it to the guard and showing him a pass which you say you had which gave you permission to take secret material from the building?

MR. COLEMAN. There are four items that you are referring to, Senator, and I believe it will help us both if you would permit me to finish, and I think you will have the full facts then.

THE CHAIRMAN. We will let you finish, but will you answer this question: Is it your testimony now on certain occasions you took secret material from the laboratories and you did not sign a pass for that specific receipt and failed to receive a pass for that specific document, you merely displayed the secret document to the guard at the gate and showed him the general pass which you had which you say allowed you to take secret material out, is that correct?

MR. COLEMAN. I believe at certain times in the past 10 or 15 years that was possible. At other times you needed a "whiz" pass which specified the specific documents and was countersigned by your superiors.

THE CHAIRMAN. Do you claim now you were violating no part of the Espionage Act by removing the secret material and keeping it in your apartment? Do you claim that you were following all of the rules and regulations?

(Witness conferred with his counsel.)

MR. COLEMAN: May I answer that question, Senator?

I claim I was not violating the Espionage Act, but I may have been violating Army regulations on safeguarding military information.

THE CHAIRMAN. Mr. Reid told you you had no right to keep secret material in your apartment, did he not?

MR. COLEMAN. The offense of which I was guilty was carelessness in safeguarding classified material by not having it in a three-combination lock safe and by failing to downgrade material which had been declassified.

THE CHAIRMAN. You mean you had the right to downgrade material?

MR. COLEMAN. No, sir, I did not. I could have taken or initiated action to have someone else downgrade it officially.

THE CHAIRMAN. Did you tell Mr. Reid, the first time he asked you, you had no classified material in your apartment?

MR. COLEMAN. I do not recollect the details of that conversation. I know that in the same conversation, at the end of the conversation, I stated that I had documents at my home, some of which might be classified.

THE CHAIRMAN. Let us get this straight, and we may have to stay here a long time, Mr. Coleman, and we will try and get the facts straight. Mr. Reid has positively testified that you denied having the material in your apartment. After it was made clear to you a search warrant would be obtained, then you consented to have

your apartment searched. Now, you know when you were picked up by the guard and taken to the intelligence office; you know, Mr. Coleman, whether or not you denied that you had secret documents at your home. That is not an everyday occurrence in your life.

Mr. COLEMAN. Are you asking me a question?

The CHAIRMAN. Yes.

Mr. COLEMAN. What is the question? I am not sure I understand it.

The CHAIRMAN. Is it your testimony under oath today that you do not know whether or not you denied to the Army Intelligence officer, Mr. Reid, you had been removing secret documents and keeping them in your home and you had some in your home at that time?

Mr. COLEMAN. The only recollection I have is that at the end of this interview I was asked did I have any classified documents at my home, and I said, "Yes, I did."

The CHAIRMAN. You do not remember whether you first denied it?

Mr. COLEMAN. I do not remember the details of that discussion with Mr. Reid.

The CHAIRMAN. Now, if you felt you had a right to take the secret documents out, there would be no reason for you to lie to Mr. Reid, would there be? You would pull out your pass and say, "Here, Mr. Reid, is my pass, and I have a right to take these documents home, and of course I have got them there."

Mr. COLEMAN. I do not recollect Mr. Reid asking me any further questions after I told him that I had classified documents at home. I do not remember. My recollection is that after I told him I had classified documents at home, he asked me to go with his agents downstairs.

The CHAIRMAN. Now, you said this came at the end of the interview, that you told him you had classified documents. Did it come after you talked to your lawyer or before?

Mr. COLEMAN. I never talked to my lawyer at any time in that entire incident. I had no lawyer, and I never consulted a lawyer on this matter.

The CHAIRMAN. Mr. Reid said you went downstairs and phoned. Who did you phone?

Mr. COLEMAN. I phoned one of my supervisors.

The CHAIRMAN. What was his name?

Mr. COLEMAN. Mr. Fister.

The CHAIRMAN. How do you spell that?

Mr. COLEMAN. F-i-s-t-e-r.

The CHAIRMAN. Did you ask him whether or not you should allow your apartment to be searched?

Mr. COLEMAN. I asked him for his advice in the matter.

The CHAIRMAN. Whether or not you should allow your apartment to be searched?

Mr. COLEMAN. I asked him what should I do, and I think the general tenor, as I remember, was what should I do.

The CHAIRMAN. Let us just run over a few of these documents that you removed. First, is it your testimony you were removing the documents and taking them home only for the purpose of studying so you would be a more efficient employee?

Mr. COLEMAN. I was removing them in order to work on my project to which I had been assigned.

The CHAIRMAN. What was the project to which you had been assigned?

Mr. COLEMAN. It is a classified project.

The CHAIRMAN. Tell us what the project was.

Mr. COLEMAN. I would like to ask Mr. Adams as to what I can say in this regard, Senator. I am not sure.

The CHAIRMAN. You can advise with your lawyer, and you are ordered to tell us what the project was. You claim that you were using all of these documents in connection with that project, and we want to know what the project was and see whether your testimony is true or not.

Mr. GREEN. May I say I am not——

The CHAIRMAN. You may say nothing. You can talk to your client and we will follow the rules of this committee. The rule voted by the committee unanimously is the rule not to hear from counsel, and he can advise with his client whenever he cares to, and we will hear from your client at any length he cares to be heard.

(Witness conferred with his counsel.)

Mr. COLEMAN. I do not state that I was using all of those documents in connection with that project. Some of the documents were personal notes which were not directly concerned with that project. I can tell you——

The CHAIRMAN. Let us narrow this down. You say some of the documents were personal notes. How about the documents that were not personal notes, the other documents removed? Were you removing those in connection with the project upon which you were working, all of them, all of the documents?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. How about the personal notes which you made from other secret documents and took home? You say you were not using those in connection with your project? Why did you copy from secret documents and take the notes home if you were not using them in connection with your work?

(Witness conferred with his counsel.)

Mr. COLEMAN. I do not think they were copied from secret documents. There is one item there which I copied from a report, and I do not believe the nature of the material that I copied was classified.

The CHAIRMAN. Let us get the answer. First you said you were using these documents in connection with a project. Now you say not all of them. What percentage of the forty-odd documents were you using in connection with your work? In other words, why did you remove them, if you were not using them in connection with your work?

(Witness conferred with his counsel.)

Mr. COLEMAN. I could only guess, sir.

The CHAIRMAN. You can only guess why you stole secrets from the radar laboratories?

Mr. COLEMAN. I am sorry, sir, but I did not steal.

The CHAIRMAN. Strike the word "stole." You can only guess at why you took these secret documents from the laboratories?

(Witness conferred with his counsel.)

Mr. COLEMAN. I can only guess at the percentage of the documents which I was using directly on my project.

The CHAIRMAN. All right. Guess then.

Mr. COLEMAN. 30 to 50 percent.

The CHAIRMAN. How about the other 50 to 70 percent? Why did you remove those from the radar lab?

Mr. COLEMAN. I do not believe I removed those. Those were personal notes which I had used in connection with my wartime work, or I had used in connection with my Marine radar work.

The CHAIRMAN. Then is it your testimony all of the documents which you removed were used in connection with your work? I have difficulty understanding. You say that from 30 to 50 percent of the documents were used in connection with your work. Then I say to you, "How about the other 50 to 70 percent which were not used in connection with your work?" You come back with the answer, "I don't believe I removed them." So let us narrow this down and let us stick to the ones you removed from the radar laboratories. What percentage of those documents were you using in connection with your work?

Mr. COLEMAN. To the best of my recollection, 7 years after the incident, I believe I was using them all in one way or another in connection with my work. Since the nature of my project was of such a broad and complex nature, I was using a wide variety of information, and it was a complex project, and I had been in the Marine Corps for 2 years, and I had been away from the field, and I was attempting to do my job as conscientiously as I could, and so I tried to develop the background necessary to prosecute the project well.

The CHAIRMAN. Were the documents which you had in your apartment sufficiently comprehensive so that if Communist Russia had obtained copies she would have had a rather complete picture of our radar setup in this country, the progress we had made in developing radar?

You do not have to consult your lawyer on that. He does not know. You know. You can consult with him if you care to.

Mr. COLEMAN. I believe that it would give anybody a picture of our wartime radar work insofar as the ground radar was concerned. I do not know how complete a picture it would give them, but it was wartime radar work. And to that I would like to point out that of all of those documents, only two were actually currently classified at the time.

The CHAIRMAN. Which two?

Mr. COLEMAN. I do not know which two.

Mr. COHN. How many were classified at the time you took them?

Mr. COLEMAN. I do not know.

Mr. COHN. That is the question. You can take documents that are secret documents and hold on to them for 10 years, and a lot can happen in 10 years, and when you come up with them 10 years later, you can say that these are no longer classified, 3 years ago they were unclassified or declassified. The important thing is when you took them, when they came into your possession, were they classified or not, and you do not contend that only two were classified when they came into your possession?

Mr. COLEMAN. I contend that only two at the time, September of 1946, were actually classified.

Mr. COHN. At the time you were caught with them, but how about the time you took them and you had them in your apartment and you

could do whatever you wanted; how many were classified during that period?

Mr. COLEMAN. I do not know.

The CHAIRMAN. Is it your testimony under oath today that you know that only two of these documents were still classified secret at the time your apartment was searched? Is that your testimony? Do you know that yourself?

Mr. COLEMAN. Now, today?

The CHAIRMAN. Yes.

Mr. COLEMAN. No, I do not know that. I was told that in my reprimand, that only two of them were classified as confidential.

The CHAIRMAN. Have you a copy of your reprimand here?

Mr. COLEMAN. I do not have it. I do not have a copy of my reprimand.

The CHAIRMAN. You say that is written out in your reprimand? (Witness conferred with his counsel.)

The CHAIRMAN. I have seen your reprimand, you see. And is it your testimony that in your reprimand only two were classified secret?

Mr. COLEMAN. Confidential; two of which are currently classified as confidential was stated in the reprimand.

The CHAIRMAN. And none secret? You say none were classified as secret?

Mr. COLEMAN. Well, I am quoting the reprimand.

The CHAIRMAN. You say none were classified secret?

Mr. COLEMAN. I do not know, sir.

The CHAIRMAN. What were the stamps on the document? Do you know how many were stamped secret?

Mr. COLEMAN. I do not know from memory how many were marked secret.

The CHAIRMAN. At the executive session you were asked the same question you were asked today, whether or not, if these documents were all available to Communist Russia, it would have brought her up to date on our development of radar, and your answer was that perhaps not to date because some of the documents were a bit old, and you said it would have brought her within 6 months of being completely up to date. Is that your testimony today?

Mr. COLEMAN. My testimony today?

The CHAIRMAN. Do you want to change that?

Mr. COLEMAN. I do not recollect exactly what I said. To the best of my knowledge, and this is a matter of judgment, and it is only my opinion, they would cover a picture, and I do not know how complete, of ground radar activities in 1943 or maybe 1944. This is a matter of judgment, and I am in no position to say how complete or actually what exact year.

The CHAIRMAN. You say now instead of bringing them within 6 months of being up to date, it would have brought them within 2 or 3 years of being up to date, is that correct?

Mr. COLEMAN. I cannot pin it down except to say wartime. I am saying this as a matter of judgment, and I am only trying to express an opinion which I think is a technical opinion.

The CHAIRMAN. What was the project you were working on?

Mr. COLEMAN. As Mr. Cohn described yesterday, development of anti-aircraft systems.

The CHAIRMAN. You were doing what?

Mr. COLEMAN. Development of antiaircraft systems.

The CHAIRMAN. What is the number of the project you were working on?

Mr. COLEMAN. I do not know if I can reveal that.

Mr. COHN. Could you write the number on a piece of paper and hand it up to us, and I will show it to Mr. Adams?

Mr. COLEMAN. I will give the number to Mr. Adams.

Mr. COHN. I do not want you to give us the number if you feel it is classified.

The CHAIRMAN. How many people had access to your apartment while these documents were there?

Mr. COLEMAN. My roommate, as far as I know, had access to my apartment.

The CHAIRMAN. What was his name?

Mr. COLEMAN. Jack Okun.

The CHAIRMAN. Jack Okun?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. He had been suspended on loyalty grounds, too?

Mr. COLEMAN. He was suspended in 1949.

The CHAIRMAN. Later reinstated?

Mr. COLEMAN. He was later reinstated.

The CHAIRMAN. Immediately resigned after his reinstatement?

Mr. COLEMAN. I do not think so, and I think he resigned about 6 months or a year after, and I am not sure of the exact dates.

The CHAIRMAN. Did you know a Mr. Levitsky?

Mr. COLEMAN. No, sir, I did not.

Mr. COHN. On the question of——

Mr. GREEN. Excuse me, Mr. Cohn.

(Witness conferred with his counsel.)

Mr. COLEMAN. Could I add an additional statement? To my knowledge Mr. Okun resigned because the Watson Laboratory to which he was then assigned was in the process of moving to Rome, N. Y.; and therefore he did not want to leave the area, and so he resigned.

Mr. COHN. There was no admission of guilt implicit in his resignation?

Mr. COLEMAN. Yes.

Mr. COHN. Now, Mr. Coleman, we have talked about Mr. Okun, and I would like to ask you this: Did you know Morton Sobell, the convicted atom spy? I believe his involvement was not with atomic energy but it was with radar.

Mr. COLEMAN. I was a classmate, and then I also had chance meetings with him at three places, General Electric Co., Reeves Instrument Co., and also at Evans Signal Laboratory.

Mr. COHN. Is that the extent of your association with him?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Is it not a fact Mr. Sobell was a good friend of yours?

Mr. COLEMAN. No, sir, he was not.

Mr. COHN. Well, is it not a fact that as late as the year 1947 Mr. Sobell gave you as one of his three personal references for employment on classified Government work?

Mr. COLEMAN. I only learned that fact when it was reported in my charges. If you will permit me, I would like to explain it. Will you permit me?

Mr. COHN. As far as I am concerned, you can submit any explanation you care to make.

Mr. COLEMAN. Will you permit me to make a complete explanation?

I met Morton Sobell for the first time after college, at General Electric Co. in late 1946 or early 1947, and it was a chance meeting which occurred when I went with some other individual from the Signal Corps to General Electric Co., and we met him there. The next I heard about him was I was told by a member of the Reeves Instrument Corp. that he had been hired to work there. I think I met him at Reeves about the same time. I believe he may have used my name as a reference because he knew that I was the Government project engineer on an important project of the contractor, namely, Reeves Instrument Corp.

I also know that sometime around that time, First Army sent me a security questionnaire.

Mr. COHN. Indeed they did, and you sent word back that you thought he was a good loyal American.

Mr. COLEMAN. I answered it to the best of my ability. At that time I had no derogatory information on him, and I did not know he was a Communist or—

Mr. COHN. Mr. Coleman, you were 1 of the 3 people who were personal reference for Mr. Morton Sobell in obtaining a position with Reeves. On the face of the application there is a statement that he will have access to classified material, and he did have access, as you know, thereafter, and this is 1947, well after the war, to a considerable amount of classified material on Signal Corps work. You were 1 of his 3 references on that.

And, Mr. Chairman, I would ask that there be received in evidence a photostatic copy of Sobell's application for employment with Reeves, and showing Mr. Coleman's name as 1 of the 3 references.

The CHAIRMAN. It will be received.

(The document referred to was marked "Exhibit No. 4" and will be found in the appendix on p. 114.)

The CHAIRMAN. I do not understand the witness's testimony. He said he did not learn he had been used as a reference until letters of charges were filed on him. He tells us now that he wrote a letter of recommendation. Would you care to reconcile those statements?

Mr. COLEMAN. I did not state I wrote a letter of recommendation. I was sent a security questionnaire by First Army, which asked me to furnish whatever information I had about him. I felt it was my duty to furnish whatever I knew.

Mr. COHN. The reason it was sent to you, what is the reason they sent you that questionnaire, and why were you asked about Sobell? Do you think they just picked your name out of a hat?

Mr. COLEMAN. Apparently because he listed my name.

Mr. COHN. He listed your name as a reference?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And they made inquiries to find out what you knew about him?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And whether or not he was a good security risk and whether or not they ought to hire him?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Because the application states on its face he would have access to classified material, and the inquiry came not from the private company with which he was seeking employment, but from the Army, is that right?

Mr. COLEMAN. That is right.

Mr. COHN. And did you not reply then that you had known Mr. Sobell for a period of 12 years and that you knew him to be a good loyal American?

Mr. COLEMAN. I do not recall what I replied about the 12-year period. I knew I had known him in college, which started in 1936 or 1937, but I did not see him after college until this chance meeting at General Electric Co. in 1947.

As far as the question about his loyalty, since I did not have any unfavorable information, any intimation, or anything that might make me suspicious, I answered what was natural, and I had no doubts at that time about his loyalty.

Mr. COHN. Did you ever attend any meetings of the Young Communist League with Sobell?

Mr. COLEMAN. No, sir.

Mr. COHN. Did you ever attend any meetings of the Young Communist League with Julius Rosenberg?

Mr. COLEMAN. Yes, sir.

Mr. COHN. When?

Mr. COLEMAN. One meeting in 1937, about 1937.

Mr. COHN. Who took you to that meeting of the Young Communist League?

Mr. COLEMAN. Rosenberg.

Mr. COHN. How well did you know Rosenberg?

Mr. COLEMAN. He was a classmate of mine, and I never saw him at his home; and he never visited my home, and I did not see him after the graduation, and I did not correspond with him after graduation.

Mr. COHN. Would you care to comment—you say you did not see him after graduation—and would you care to comment on Mr. Rosenberg's testimony at his own trial that you were one of his acquaintances down at Fort Monmouth when you were there and when he was there?

Mr. COLEMAN. Yes, I would.

Mr. COHN. I would be very happy to have you comment.

Mr. COLEMAN. Would you permit me to make a complete statement?

Mr. COHN. Why, of course, anything you want to say.

Mr. COLEMAN. As far as I know, Rosenberg never worked at Fort Monmouth. I believe he was an inspector and that inspectors were assigned temporarily to Fort Monmouth in the fall or in the latter half of 1940, for orientation courses, and then they were sent out on their inspection duties. This is to the best of my knowledge from what I have been able to learn from others.

Mr. COHN. I don't know if you got the question. The question is whether or not Rosenberg was telling the truth or whether you are telling the truth. Did you see him at Fort Monmouth?

Mr. COLEMAN. No, sir; I did not see him at Fort Monmouth.

Mr. COHN. He was down at Fort Monmouth on a number of occasions, was he not, when he was an inspector for the Signal Corps inspection agency?

Mr. COLEMAN. I only have been told that he might have been down there in the latter half of 1940 for an extended period, and I don't know of any other occasions.

Mr. COHN. Were you telling the truth or was Rosenberg?

Mr. COLEMAN. I am telling the truth.

Mr. COHN. And you say that what Rosenberg said when he was on the stand is untrue, is that right?

Mr. COLEMAN. I am trying to explain it, if you will let me.

Mr. COHN. I am sorry.

Mr. COLEMAN. If you will let me finish, I am trying to explain it.

Mr. COHN. I wish you would address yourself to that point.

Mr. COLEMAN. I am trying to do it. I want to get all of the facts on the record.

Mr. COHN. So do we. And now let us get that point now of Rosenberg's testimony.

Mr. COLEMAN. That is what I am trying to do. Since that was news to me when I heard it yesterday. He probably was at Monmouth, and I have been led to believe, for several weeks on orientation, and he was being given orientation as an inspector, as many others, hundreds, I think, were, in the latter half of 1940.

I had been living in Long Branch with four other people for quite some time, since 1939, and I had been reasonably well known to these people and others. He may have come into the area and he may have learned that I was there, but I did not see him. Now, if he came, and if he was there for orientation in the latter half of 1940, I could not have seen him because I was in Panama from July of 1940 to late November.

Mr. COHN. Were you in Panama in December of 1940?

Mr. COLEMAN. I returned in the late 1940, and I was on the way back, and I don't know exactly the date I landed, whether it was December or November 29, or what it was. You might have better information.

Mr. COHN. Were you in Panama from 1940 to 1945 at various times when Rosenberg's duties as a Signal Corps inspector brought him to Fort Monmouth?

Mr. COLEMAN. No, sir.

Mr. COHN. You were at Fort Monmouth, were you not?

Mr. COLEMAN. I was in Panama from July to late November 1940.

Mr. COHN. Now, your explanation then is what Mr. Rosenberg must have said was that he—and I am not citing Mr. Rosenberg as a person worthy of credibility; I am citing him as a person who here had no motive whatsoever to misrepresent on something that at that time was at best purely incidental to the issue at hand—now, your explanation is, well, he must have been talking about the fact that he had heard you were down there. That was not the testimony. The testimony was:

Can you give us the names of classmates of yours with whom you had social or business relations after your graduation?

The first name on the list is Mr. Aaron Coleman, "who, subsequent to graduation, I met at Fort Monmouth when I was assigned there."

Mr. COLEMAN. I deny that. He did not meet me at Fort Monmouth.

Mr. COHN. Do you deny Mr. Sussman's testimony you were a member of the Young Communist League?

Mr. COLEMAN. I do.

Mr. COHN. And you say, however, that Mr. Rosenberg whom you hardly knew asked you to go to a meeting of the Young Communist League, and you went to the meeting of the Young Communist League?

Mr. COLEMAN. He was a classmate of mine, and he was in the same class, mechanical engineering class, and he worked on me for a number of occasions to try to get me to go to this meeting.

Mr. COHN. How many people were there in that class, roughly?

Mr. COLEMAN. Twenty or thirty.

Mr. COHN. How many other people in that class took you to meetings of that kind?

Mr. COLEMAN. None.

Mr. COHN. Pardon me.

Mr. COLEMAN. None.

Mr. COHN. He was the only one?

Mr. COLEMAN. Would you permit me to make an explanation?

Mr. COHN. Surely, go ahead.

Mr. COLEMAN. It was a mechanical engineering class, and therefore there probably were students from civil engineering and chemical engineering, but he was an electrical engineering student, and I had known him from a previous class.

The CHAIRMAN. Who else was at that Young Communist meeting?

Mr. COLEMAN. There were 10 or 15 other people, whom I do not recollect or remember.

Mr. COHN. Do you remember Mr. Sussman?

Mr. COLEMAN. I do not remember Mr. Sussman.

Mr. COHN. Did you know Mr. Sussman was a Communist?

Mr. COLEMAN. Yes, sir; Rosenberg told me.

Mr. COHN. He told you Sussman was a Communist?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Who else did Rosenberg tell you were Communists?

Mr. COLEMAN. He didn't tell me of anybody else.

Mr. COHN. You were a casual acquaintance of Rosenberg and you didn't know him socially and he was lying when he said he knew you down at Fort Monmouth; but nevertheless he took you to a meeting of the Young Communist League, of activities that, had they become known, he would have been exposed much earlier than he was, and he trusted you enough to take you to a meeting of the Young Communist League, and he confided in you as to the name of at least one other person who was a Communist with him; is that right?

Is that the fact?

Mr. COLEMAN. Well, you made about 3 or 4 statements.

Mr. COHN. I would like to know which of those statements I have made is inaccurate, and if any is, I would like it to be corrected here and now.

Mr. COLEMAN. I can't follow you as fast as you go.

Mr. COHN. Let me go very slowly. You say that you hardly knew Mr. Rosenberg, and you didn't know him socially, and you never had known him socially at all, and he was merely one of a number of your classmates. Is there anything wrong with that statement?

Mr. COLEMAN. I knew him at City College, as a classmate.

Mr. COHN. Just as a classmate, a guy who walked in the class and sat down?

Mr. COLEMAN. Well, I knew him in the laboratory class, and we worked on laboratory equipment together.

Mr. COHN. Don't be modest. Tell us the full extent of your association and how well did you know Rosenberg?

Mr. COLEMAN. Well, I would say that I only knew him at the college with the exception of this meeting; he was a classmate, and I have already defined this fact; and I didn't visit his home and he didn't visit mine.

Mr. COHN. Were you a member of his clique at college? And would you stay around with him? And would you have lunch with him? Was he your pal at college?

Mr. COLEMAN. At the time we were in the laboratory class, which was several years previous, I may have had lunch with him because we were in the same squad.

Mr. COHN. I didn't hear the last part.

Mr. COLEMAN. We were in the same squad.

Mr. COHN. How well did you know him when you were in that squad?

Mr. COLEMAN. Well, I don't know what you mean about how well.

Mr. COHN. Were you a close friend of his, and did you spend your time with him?

Mr. COLEMAN. At the laboratory, you mean? Because we worked together, I was with him and I was not a close friend of his.

Mr. COHN. Can you explain then, how, if you were not a close friend of his, and your acquaintance was as casual as you seek to make it here, how it was that Rosenberg not only took you to a secret meeting of the Young Communist League but confided in you as to the name of at least one other person who was a Communist?

(Witness conferred with his counsel.)

Mr. COLEMAN. As far as I know, it was not a secret meeting.

Mr. COHN. Was it an open meeting? Was it advertised?

Mr. COLEMAN. It was not advertised.

Mr. COHN. Were you introduced to the other people at the meeting?

Mr. COLEMAN. No, sir.

Mr. COHN. Were names given?

Mr. COLEMAN. No.

Mr. COHN. Would you call it an open meeting?

Mr. COLEMAN. I walked into the meeting while it was in progress, as far as I remember, and I walked out while it was still in progress.

Mr. COHN. Was Rosenberg at the meeting?

Mr. COLEMAN. Yes, sir.

Mr. COHN. And he had asked you to come?

Mr. COLEMAN. Yes, sir; he had tried to get me to come, and I finally agreed.

Mr. COHN. He had tried to get you to come? On how many occasions did he try to get you to come?

Mr. COLEMAN. I don't remember.

Mr. COHN. Give us an approximation.

Mr. COLEMAN. Several. That is the best I can remember today.

The CHAIRMAN. Mr. Coleman, at the time of the Rosenberg trial a question arose whether or not Rosenberg was a Communist, and I assume you read in the paper about that trial. And did you ever inform the Justice Department or the FBI that you knew Rosenberg

had been a Communist, and he had been soliciting you to join the party?

Mr. COLEMAN. Voluntarily, no, sir, I did not. I informed them when they asked me.

The CHAIRMAN. In other words, when they were investigating you, then you told them?

Mr. COLEMAN. I don't know whether they were investigating me or anyone else. They asked me to sign a statement about Rosenberg.

Mr. COHN. On what interview by the FBI was that? You were interviewed three times, weren't you?

Mr. COLEMAN. I don't remember how many times.

Mr. COHN. It was more than once?

Mr. COLEMAN. Yes.

Mr. COHN. Did you tell the FBI the full story the first time?

Mr. COLEMAN. I don't think I did.

Mr. COHN. No; you didn't. You don't seem to have told anybody the full story the first occasion. Why didn't you tell the FBI the full story at the first occasion?

Mr. COLEMAN. I don't remember why I didn't tell them, but I did tell—

Mr. COHN. Didn't you think it was a pretty important issue? This is a man who was arrested for conspiracy to steal atom secrets and commit espionage against this country, and the FBI was interviewing people who might be in a position to give it information which the Government could use at the trial to support the indictment of the grand jury. Don't you think it was a pretty important thing for you to give full information as to that at that time?

(Witness conferred with his counsel)

Mr. COLEMAN. They asked me primarily whether or not he was a Communist, and they asked me how I knew, and I told them he had told me, and I signed a statement for them.

Mr. COHN. Did you tell them that he had taken you to a meeting of the Young Communist League?

Mr. COLEMAN. No; I did not on that occasion. I told them on the second occasion.

Mr. COHN. Mr. Coleman, you were a high official then of the Evans Signal Laboratory, a man in an extremely sensitive position, and you were being questioned about another man who had worked for the Signal Corps, a man who then was up on the most serious charges in the history of the country. And don't you think you owed an obligation to the FBI to disclose to them that this man had taken you, solicited you to become a Communist, and had actually taken you to this meeting of the Young Communist League?

Mr. COLEMAN. I told them whatever information they asked me about.

Mr. COHN. And nothing more, is that right?

Mr. COLEMAN. I gathered they were primarily interested in a statement and that I might be called upon to give further testimony at the grand jury; and they said that they might come back, and also I—

The CHAIRMAN. You said you told them everything they asked you. They did ask you on the first occasion, did they not, how you knew Rosenberg was a Communist and whether you had ever attended any meetings with him? And you told them at that time you

never attended any meetings with him, that the only reason you knew he was a Communist was because he told you so? Isn't that correct?

Mr. COLEMAN. I don't think I told them that. I had previously told many people that I had attended a meeting of the Young Communist League, and I don't see why I would conceal it at that time. I had told a friend of mine in 1939, and he reported it to appropriate authorities.

Mr. COHN. To whom did he report it?

Mr. COLEMAN. G-2 Army Intelligence.

Mr. COHN. What was the person's name?

Mr. COLEMAN. Mr. Tepper.

Mr. COHN. Mr. Tepper?

Mr. COLEMAN. T-e-p-p-e-r. Yes, sir.

Mr. COHN. To whom in G-2 did he make that report?

Mr. COLEMAN. I don't know.

Mr. COHN. Where is Mr. Tepper now?

Mr. COLEMAN. He is working at the Signal Corps.

Mr. COHN. Is that down at Monmouth?

Mr. COLEMAN. Yes, sir.

Mr. COHN. Is he employed there now?

Mr. COLEMAN. Yes.

Mr. COHN. If he made reports concerning Rosenberg being a Communist prior to the time Rosenberg was retained for 5 years by the Signal Corps, I think we ought to know the name of the person to whom he made that report.

Mr. COLEMAN. I am sorry, you misinterpreted me. I did not say he reported that Rosenberg was a Communist. This man was not a classmate of mine. Whether I mentioned Rosenberg's name or not I don't recollect, and if I did, I don't know if it would mean anything to the fellow. I did say I had gone to one meeting and this was in 1939 or early 1940.

The CHAIRMAN. You say Tepper reported that to G-2?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. Did he tell you he reported it to G-2?

Mr. COLEMAN. No; he did not, not until recently.

The CHAIRMAN. You didn't know he reported that until recently?

Mr. COLEMAN. I didn't know that he had reported it.

The CHAIRMAN. How did you learn that he had reported that?

(Witness conferred with his counsel.)

Mr. COLEMAN. How did I learn that he had reported it?

The CHAIRMAN. Yes.

Mr. COLEMAN. He told me.

The CHAIRMAN. When did he tell you?

Mr. COLEMAN. Several weeks ago.

The CHAIRMAN. That is the first time you knew about it?

Mr. COLEMAN. It is the first time I knew that he had told them, and I knew that either Naval Intelligence or the FBI knew that I had attended a meeting of the Young Communist League, and they knew that in 1943, at the time I was applying for my Marine Corps commission.

The CHAIRMAN. Getting back to the FBI report, they interviewed you during the prosecution of Rosenberg, that is correct, isn't it?

Mr. COLEMAN. You mean when the trial was actually on? Before the trial, I believe.

The CHAIRMAN. After his arrest and indictment?

Mr. COLEMAN. After his arrest, that is the best I can place it.

The CHAIRMAN. And they came to see you three times?

Mr. COLEMAN. I don't remember how many times they came to see me; it was more than once.

The CHAIRMAN. Do you recall that the first time they came they asked you whether you belonged to the Young Communist League or whether you had ever attended any meetings and you said, "No," you had not?

Mr. COLEMAN. I have no recollection of such questions.

Mr. COHN. Mr. Coleman, the fact is when the FBI went to you the first time, you did not tell them that you had attended this meeting of the Young Communist League with Rosenberg?

Mr. COLEMAN. That is right.

Mr. COHN. And the fact is that at the time you did not tell them that, you knew it in your own mind?

Mr. COLEMAN. And I also knew that they knew it, too.

Mr. COHN. Why didn't you tell them?

Mr. COLEMAN. They didn't ask me, and I didn't know whether it was important or not. But I knew that they knew I had attended the meeting.

Mr. COHN. How did you know?

Mr. COLEMAN. Because I had been told that the Naval Intelligence people when investigating me for a commission asked whether or not I had attended a meeting.

Mr. COHN. By whom had you been told that?

Mr. COLEMAN. I was told that by Mr. Okun.

Mr. COHN. When did he tell you that?

Mr. COLEMAN. I believe he told it to me in 1943 or thereabouts. Now I knew that they knew I had attended a meeting.

Mr. COHN. But you felt the thing should just not be mentioned out there?

Mr. COLEMAN. I didn't know whether it was important or not, and I didn't volunteer the information; when they asked me further, I told them the details.

Mr. COHN. The whole purpose of them going to you was concerning getting information concerning Rosenberg's Communist activities, and you say you didn't tell them that Rosenberg had taken you to this meeting of the Young Communist League?

Mr. COLEMAN. On the first occasion, no; I told them he was a Communist and I signed a statement to that effect.

The CHAIRMAN. I would like to get back, Mr. Coleman, to this question of how you removed the secret and other classified material from the laboratories. It was your testimony this morning on certain occasions you did not sign out for the material; is that right?

Mr. COLEMAN. To the best of my recollection, I may have used this pass without signing a "whiz" pass.

The CHAIRMAN. I want to read to you from your testimony taken in executive session on October 22. First let me ask you this question: You say that on each occasion you showed the classified material to the guard?

Mr. COLEMAN. I don't know whether the guard examined the material every time; sometimes they were not interested in examining the material, and they only wanted to see the pass.

The CHAIRMAN. Did you ever carry it under your coat?

Mr. COLEMAN. No, sir.

The CHAIRMAN. Where did you carry it, out in the open, or briefcase, or what?

Mr. COLEMAN. I don't recollect, sir.

The CHAIRMAN. You don't recall?

Mr. COLEMAN. No, sir.

The CHAIRMAN. Was a list made each time of the material that you removed?

Mr. COLEMAN. A list made by whom?

The CHAIRMAN. By anyone?

Mr. COLEMAN. When it was removed with a pass, the list was given to the guard.

The CHAIRMAN. When it was removed without a pass, was any record made?

Mr. COLEMAN. It was never removed without a pass. There are two kinds of passes.

The CHAIRMAN. In each case was a record made?

Mr. COLEMAN. When the material was removed with a white pass of a general nature, I don't think a record was made.

The CHAIRMAN. How about when you signed what they call a "whiz" pass?

Mr. COLEMAN. At that time carbon copies were made and sent to either the property officer or, I believe, the security officer and kept on file at the section or branch.

The CHAIRMAN. Let me read now from your testimony on page 1241:

Now, didn't you keep a record yourself of the secret material which was removed or the classified material?

Answer. No; the material was removed and it was checked in my presence and a list was made and a copy was given to me.

Is that a correct answer?

Mr. COLEMAN. I don't believe we are talking about the same thing, Senator.

The CHAIRMAN. We are talking about the secret material which you removed from the radar labs, and it is rather difficult to misunderstand each other about that.

Mr. COLEMAN. I thought you were talking about material that was in general removed with passes from the radar laboratories. Now I see you are talking about the material that was found in my apartment. The testimony that you just read is correct. I was furnished a list and you have a copy of it right there.

The CHAIRMAN. You mean they furnished you a list when they raided your apartment.

Mr. COLEMAN. They didn't raid my apartment. The circumstances have been explained.

The CHAIRMAN. When they searched your apartment.

Mr. COLEMAN. They searched my apartment and they took the documents with them to the security and intelligence office and a list was made in my presence, and I was given a copy of the list.

The CHAIRMAN. When I questioned you in executive session, you say, about whether you kept the records when the material was removed, that you thought I was talking about the time the intelligence officers removed it from your apartment; is that correct?

Mr. COLEMAN. I am not sure now; I have to read the testimony to be sure exactly what you are referring to.

The CHAIRMAN. Let me read it to you:

Didn't you keep a record yourself of the secret material which you removed or the other classified material?

Answer: No; the material was removed and was checked in my presence and a list was made and a copy was given to me.

The CHAIRMAN. No; I am talking about the time you removed the material from the Signal Corps lab and took it to your apartment. Did you at that time make any record of your having removed it?

Answer. I don't think so, sir.

Question. Didn't you sign some kind of a pass saying, "I am taking such and such a document away?"

Answer. Yes, sir. I removed it with the authorization of a "whiz" pass.

Question. And you signed that pass yourself?

Mr. COLEMAN. As well as my supervisor.

Question. Did you keep a copy of that pass?

Answer. I may have kept a copy of that pass for a while, but I don't have it now.

Question. So anyone searching the Signal Corps records would find a record of all of the material you removed, is that correct?

Answer. Well, if you will permit me to explain, I think there was more than one copy of the "whiz" pass made. One copy was given to the guard, and one copy was for the individual, and one copy went to either the supply officer or the security officer; so there should be a record.

I may say since that time we have searched for that record and we find that there apparently is not such record of your having removed it. Now, do I understand today you say you did not sign the "whiz" pass for all of the material removed? On some occasions you merely picked it up and took it out of the plant?

Mr. COLEMAN. On some occasions I may have used the white pass, and it depends upon what the regulations in effect at that time were. I am not absolutely certain that the "whiz" pass was used for every single one of those documents. I believe so, but I am not certain.

The CHAIRMAN. How could you have been so certain on the 22d of October and have the serious doubt today? Is it because you have learned we have searched the records and found what you told us on that date could not be true and that there is no record made of the material you removed?

Mr. COLEMAN. If you read all of the testimony, Senator, I think that you will recall that I mentioned this white pass, and we had quite a bit of confusion about the various kinds of passes.

The CHAIRMAN. I am going to ask you to read the testimony, Mr. Coleman, and you point out to us where in your executive session testimony—and we questioned you in detail—where you ever told us that you removed material without keeping a record. I will let you read your own testimony and you are ordered to point out wherein you told us anything like you are telling us this morning.

Now, let us get on to some of these documents, if we may. No. 5, not using the classification number but merely the number on the list here. Incidentally—we will take No. 6 entitled "Close Cooperation Set, Secret." That was a document describing a radar set which had not been completed but was on the drawing board and in the process of being completed; is that correct?

Mr. COLEMAN. I don't remember the details of that set, Senator. As I think I told you this morning, it was a modified wartime radar, but I am not sure.

The CHAIRMAN. We have a considerable amount of testimony on this question of marking down the classification. Let me see if you understand it the same as the other people who have testified.

The testimony is that if you have a new radar set in the blueprint stage, it would be extremely important for the enemy to acquire those blueprints because it would enable him to keep apace of our development and add his own research to that and would allow him to be ahead of us. The most important time, so far as security is concerned, in the life of the development of a new weapon or new piece of radar is in the early stages.

After it has once been fully developed, at that point it is generally classified downward. Is that your understanding?

Mr. COLEMAN. Generally speaking, yes, sir. In general, that is my general understanding.

The CHAIRMAN. Some of these secret documents concern the very, very current development of our radar, is that correct?

Mr. COLEMAN. Today you mean?

The CHAIRMAN. No, at that time. In other words, the day you took the documents from the laboratory, the documents marked "Secret," they concerned the very current development, the modification, and the changes in our radar detection system and in our radar, is that correct?

Mr. COLEMAN. I don't know.

The CHAIRMAN. You don't know?

Mr. COLEMAN. I think if you are referring to that one document, my best recollection of it, it was a modification of a wartime radar which had been declassified that year, but I am not sure.

The CHAIRMAN. When you were taking these documents home, you said you were working on this project of yours. You were not taking home descriptions of old outmoded material, were you?

Mr. COLEMAN. I may have.

The CHAIRMAN. Let us shift on to another document, then. Another document is Technical Report number so and so, subject, Translation of the Military Requirement of Range in the Technical Specifications of Radar, marked "Secret." Do you recall that that concerned the then current development of our radar?

Mr. COLEMAN. I don't think so, sir; I don't think that concerned any particular radar; it concerned the factors upon which the range of any radar depends. I am judging that from the title as you read it.

The CHAIRMAN. You do not recall what was in the document?

Mr. COLEMAN. No, sir, I do not.

The CHAIRMAN. Let me give you another one: Summary of Military Characteristics for Equipment as Used by the Army Air Force—Secret. Do you think it might be of any benefit to the enemy if he had a copy of that?

Mr. COLEMAN. At what time, sir?

The CHAIRMAN. At the time you took them, sir.

Mr. COLEMAN. In 1946, I don't think so. I think it was all published in Electronics, IRE, and AIEE, all of the characteristics of all of our radar; and a year later, 28 volumes of all of the American wartime radar work was published. It was sent all over the world.

The CHAIRMAN. Now let us take the two that were still classified secret, not the date you took them, but the day the Army Intelligence

picked them up, still classified secret. Keeping in mind the classification of secret, do you feel that those documents would have been of benefit to the enemy if he had them?

Mr. COLEMAN. Insofar as I know, only two documents were still classified, and they were classified confidential, so shall we talk about the confidential documents?

The CHAIRMAN. Let us have a definition of confidential, then.

Mr. COLEMAN. I am not sure of the exact definition of confidential, but I know it is not as critical as secret, which you previously read the definition of.

The CHAIRMAN. Let us read the definition of confidential so we will know what we are talking about, then:

Information the disclosure of which, although not endangering the national security, would impair the effectiveness of Government defense activities.

Do you feel that those documents that you say were classified confidential at the time they were picked up in your apartment would have been of some benefit to the enemy?

Mr. COLEMAN. As described, they would have been of some benefit, as indicated in the definition.

The CHAIRMAN. Many of them were stamped secret at the time you took them, and do you say that those documents had been classified lower at the time you took them?

Mr. COLEMAN. I don't know, sir.

The CHAIRMAN. In other words, at the time you took them, as far as you knew, the material was still classified as secret?

Mr. COLEMAN. I don't know, sir, and I don't know what the classification, actual current classification, was.

The CHAIRMAN. When there was a secret stamp on a document and you took it away from the laboratory and took it to your apartment, in your opinion that was still classified secret; is that right?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. Who had access to that apartment?

Mr. COLEMAN. My roommate.

The CHAIRMAN. I think the record shows he was suspended. How many roommates did you have in 1946?

Mr. COLEMAN. Just the one.

The CHAIRMAN. Just the one, all during 1946?

Mr. COLEMAN. Yes, sir.

The CHAIRMAN. And when was he suspended?

Mr. COLEMAN. In 1949.

The CHAIRMAN. Did your landlady have access to the room?

Mr. COLEMAN. I am not sure. You asked me that question before, and she probably, as all landladies, she may have had a key to the apartment, and I don't know. Probably.

The CHAIRMAN. Did you ever live with Mr. Sachs?

Mr. COLEMAN. I believe he shared our apartment in 1943 for a month or two, and I am not sure of the exact length of time.

The CHAIRMAN. Did you know Sachs was a Communist at that time?

Mr. COLEMAN. No, sir; I did not.

The CHAIRMAN. Did you think he was?

Mr. COLEMAN. I think sometime while he was rooming with us, I thought he might be favoring Russia in connection with the Finland incident.

The CHAIRMAN. You understand my question. The question was: Did you think he was a Communist when you were rooming with him?

Mr. COLEMAN. I did not think he was a member of the Communist Party. I thought he might be sympathetic.

The CHAIRMAN. At that time, did you have secret documents in your home?

Mr. COLEMAN. I don't recollect.

The CHAIRMAN. You do not know whether you did or not?

Mr. COLEMAN. I don't remember.

The CHAIRMAN. But you might have?

Mr. COLEMAN. I might have.

The CHAIRMAN. Would you think it was a breach of security to have secret documents lying around in your apartment when you are living with a man whom you thought was sympathetic to communism?

Mr. COLEMAN. I don't know if I had any secret documents lying around in the apartment at that time, and I only learned about his sympathies just before I went into the Marine Corps. I did not know anything about his general opinions in this matter prior to that time.

The CHAIRMAN. Did the maid have access to your room, or did you have someone come in and clean it up?

Mr. COLEMAN. I don't recollect a maid coming in to clean up our room.

The CHAIRMAN. Did you do the housework yourself?

Mr. COLEMAN. I think we did a lot of it ourselves, and we cooked internally, but I do not remember all of the circumstances.

The CHAIRMAN. How long—I believe you told us this before, but how long did you say you lived with Sachs?

Mr. COLEMAN. Several months, to the best of my recollection.

The CHAIRMAN. And in what year was that?

Mr. COLEMAN. I think it was in the very last half, maybe November of 1943, or December, or something around that period of time, just before I went into the Marine Corps.

The CHAIRMAN. And you say you do not know whether you were removing secret documents at that time or not?

Mr. COLEMAN. I don't recollect.

The CHAIRMAN. Who was your landlady?

Mr. COLEMAN. I think it was somebody by the name of Brown, but I am not sure.

The CHAIRMAN. What was the address at which you lived?

Mr. COLEMAN. 108 Second Avenue, Bradley Beach.

The CHAIRMAN. Did you have a safe in your apartment?

Mr. COLEMAN. No, sir; I did not.

The CHAIRMAN. Where did you store this secret material?

Mr. COLEMAN. What secret material?

The CHAIRMAN. The secret material that the Army picked up when they searched your apartment.

Mr. COLEMAN. In 1946?

The CHAIRMAN. Did they search your apartment at any other time?

Mr. COLEMAN. No, sir.

The CHAIRMAN. All right, then the question is very clear.

Mr. COLEMAN. All right, I had some material, not all of which was secret, stored on top of my desk, and some material I had in a closet.

The CHAIRMAN. And you had removed that material from the laboratory over a period of what time?

Mr. COLEMAN. Several months in 1946, and I don't remember the exact times. I took some material out and I returned other material, and I don't remember the details of it.

The CHAIRMAN. So this list which the Army made when they searched your apartment is not a complete list of all of the secret or other classified material which you removed?

Mr. COLEMAN. In the sense that I returned some material; yes, sir.

The CHAIRMAN. "In the sense you returned some of the material, yes, sir." You mean there was additional material?

Mr. COLEMAN. Which I may have returned to the laboratories, and which was not in my apartment at the time they searched it.

The CHAIRMAN. Do you know the classification of the other material which you removed and returned?

Mr. COLEMAN. No, sir; I do not.

The CHAIRMAN. Did Army Intelligence tell you at the time that you had not accounted for all of the documents which you had removed?

Mr. COLEMAN. I don't recollect any such conversation.

The CHAIRMAN. Did anyone in connection with the military ever at any time inform you that some of the classified documents which you had removed were not accounted for by you?

Mr. COLEMAN. No, sir.

The CHAIRMAN. No one ever did?

Mr. COLEMAN. To the best of my recollection; no, sir.

The CHAIRMAN. And did Mr. Reid ever inform you that certain documents which you had removed were not returned?

Mr. COLEMAN. No, sir, Mr. Reid didn't, to the best of my recollection, talk to me about this after the documents were recovered from my apartment.

The CHAIRMAN. I believe we covered this before, but can you estimate approximately how many other secret documents you removed from the Signal Corps lab and later returned?

Mr. COLEMAN. I cannot estimate, and I don't really know if they were secret or not. I have no recollection of the nature of the documents.

The CHAIRMAN. You have no idea how many you removed?

Mr. COLEMAN. No, sir.

The CHAIRMAN. You cannot even make a guess at how many you removed?

Mr. COLEMAN. It might be as high as 10, but I am not sure.

The CHAIRMAN. Then your testimony is that you kept most of those that you removed?

Mr. COLEMAN. Well, I would take it out and work on it, and return some of it, and that was the general procedure. I don't know how long I had kept the documents that were in my apartment, and I cannot say.

The CHAIRMAN. But your testimony is that over this period of time you worked for Monmouth, you feel you did not remove any more than 10 other documents which you later returned?

Mr. COLEMAN. This is in 1946, since the war. This is a general impression. I cannot vouch for its accuracy.

The CHAIRMAN. Did you make notes of secret documents and take those notes home with you?

Mr. COLEMAN. I may have made notes from some documents, and I don't remember what their classification was. However, the notes may not have been classified, and the fact that it was taken from a document doesn't mean it has the same classification. I think I recollect one report which was concerned with antennas, and I think that I may have made some notes on it, and I don't think that the notes were classified but I am not sure.

The CHAIRMAN. Now, Mr. Coleman, you are not telling us you only made notes from one classified document and took those notes home with you, are you? Is that your testimony?

Mr. COLEMAN. No. I am saying I don't remember.

The CHAIRMAN. You only remember one occasion upon which you made notes from a classified document and took those notes home, or rather, took them along with you, whether you took them home or not; is that your testimony?

Mr. COLEMAN. I don't know where I made the notes, and I don't know what the classification of the documents was at the time I made the notes. I may have made the notes at home and I may have made them at the laboratory.

The CHAIRMAN. Let us forget about the classification. On how many occasions do you recall having made notes from documents in the radar laboratories and removing those notes from the laboratories?

Mr. COLEMAN. I do not recollect.

The CHAIRMAN. Well, would you say 50 times would be too great?

Mr. COLEMAN. Yes, sir; I think so.

The CHAIRMAN. You think so?

Mr. COLEMAN. Yes, sir. Would you let me answer that more completely?

The CHAIRMAN. Proceed.

Mr. COLEMAN. I don't know whether I made the notes in the laboratories or whether I made them when I was working on them at home. I don't remember how many times I may have made the notes, or what the classification was. I did make some notes, and this is the best of my recollection: I remember one case which I tried to cite to you before, and I don't remember any other cases.

The CHAIRMAN. Unfortunately I do not follow you. You say you do not remember any more than 1 case, and then you say it might be less than 50. Let us rephrase the question again so that there can be no question of your misunderstanding it. Would you say that on at least 50 different occasions you made notes from documents which were either in the Fort Monmouth laboratories or documents which you had removed from the laboratories?

Mr. COLEMAN. I would not say 50 occasions, and I say I don't recollect how many occasions.

The CHAIRMAN. Would you think that 50 is a reasonable estimate?

Mr. COLEMAN. I think 50 is high, but I cannot say. You are trying to pin me down, and my memory isn't that good. I think if I did tell you how many occasions, you would have good reason to suspect my veracity, and I don't remember how many occasions. I think there were a few, and perhaps many.

The CHAIRMAN. You think there were a few, and maybe many?

Mr. COLEMAN. I don't know how many.

Mr. COHN. Mr. Coleman, I have one or two questions. Can you give us any idea as to what you had in the nature of classified documents in your apartment when Mr. Harry Sachs, whom you thought to be a Communist, was living with you?

Mr. COLEMAN. I do not remember, and I don't know if I had any documents at that time. I said before, I had suspicions of his opinions just before I went into the Marine Corps.

Mr. COHN. Was Mr. Sachs living with you at that time?

Mr. COLEMAN. At the exact date I went to the Marine Corps?

Mr. COHN. At the point when you had suspicions.

Mr. COLEMAN. Yes, sir.

Mr. COHN. Let me ask you this: Did Sobell know Rosenberg at City College?

Mr. COLEMAN. I believe he did.

Mr. COHN. Did he know him well?

Mr. COLEMAN. I don't know. I don't think so, insofar as I knew.

Mr. COHN. Did you ever see them together?

Mr. COLEMAN. And I have evidence to indicate why I thought so.

Mr. COHN. Did you ever see them together?

Mr. COLEMAN. I may have, and I don't remember.

Mr. COHN. You have no recollection of ever having seen them together?

Mr. COLEMAN. I don't say that. I don't remember, and I don't recall them as being particularly close friends.

Mr. COHN. Would you say that you recall Sobell as being as friendly with Rosenberg as you were with Rosenberg? What is your recollection on that?

Mr. COLEMAN. My recollection of him is that he wasn't particularly friendly with Rosenberg, and I have no other evidence to the contrary, and I never associated his name with Rosenberg particularly.

Mr. COHN. How about Sussman, did he know Sobell?

Mr. COLEMAN. I didn't associate Sussman with Sobell, and I associated him with Rosenberg.

Mr. COHN. You didn't know whether Sussman knew Sobell?

Mr. COLEMAN. No.

Mr. COHN. I want to ask you this question here—by the way, is there anything else you said on this recommendation you gave to Mr. Sobell? And when was that, by the way? When did you give Mr. Sobell this recommendation to the First Army?

Mr. COLEMAN. I did not give Mr. Sobell a recommendation?

Mr. COHN. Did you tell them that they shouldn't employ him; that he was an associate of Julius Rosenberg?

Mr. COLEMAN. I didn't know that, and I didn't say that. I said only what I knew at the time, and I don't remember what I said, but it was not unfavorable, since I had no unfavorable or derogatory information against him. He was working on classified work and he

had been, and I assumed he was all right, and I knew nothing else about him.

Mr. COHN. You gave him a favorable reference, did you not?

Mr. COLEMAN. I don't remember what it was, but it was not derogatory.

Mr. COHN. It was not derogatory?

Mr. COLEMAN. No, sir.

Mr. COHN. When was that?

Mr. COLEMAN. It was 1946 or 1947.

Mr. COHN. He applied for the job in 1947 and gave your name.

Mr. COLEMAN. Then it was in 1947.

Mr. COHN. Sometime in 1947. I assume it was sometime thereafter.

Mr. COLEMAN. It was 1947.

Mr. COHN. Mr. Coleman, one thing I think we ought to cover, and I am not sure we have completely. Mr. Reid has testified that when you were brought in to his office, and he asked you whether or not you had classified documents in your home, you told him no, you did not; and that later you changed your answer and said maybe; and then finally you admitted that you had.

Now, did you tell Mr. Reid, as he has testified, at first that you did not have classified documents in your home?

Mr. COLEMAN. I recollect only one interview.

Mr. COHN. This is all the same interview.

Mr. COLEMAN. All I remember is the end result of the interview, because it seemed rather abrupt to me.

Mr. COHN. Isn't it a rather important point? I can understand the end result of the interview, and after he told you your place was going to be searched you then told him, "Well, yes, there are some things or some papers there." But I want to know whether or not you lied to Mr. Reid at the beginning, as he said you did, and told him and denied to him that you did have any classified documents whatsoever in your home?

Mr. COLEMAN. I don't remember anything of that nature, and I remember I told him about the pink registration card, and I remember I told him I had documents in my home. This is all I remember about the incident. At the moment I told him I had documents in my home, bang, downstairs I went for this waiver. This is the only recollection I have of it.

If you want to get some more out of it, you can't get it while I am conscious.

Mr. COHN. What is that?

Mr. COLEMAN. You will have to do something more. This is all I remember.

Mr. COHN. Can you give us any more of your recollection of your association with Rosenberg, which was close enough so that he not only took you to this meeting of the Young Communist League, but was confiding in you the identity of at least one other person who was a member of the Communist movement?

Mr. COLEMAN. At that time, that wasn't considered very much of a confidence. They were very open about it, and they called themselves the Young Communist League and they didn't hide.

Mr. COHN. Then give us the names of some other people besides Rosenberg, who is dead, and Sussman, who has come forward and admitted the charge and named himself.

Mr. COLEMAN. This is the only two people I knew at that time, and I explained to you the circumstances why it was only those two people. Senator McCarthy questioned it in executive session, and I tried to give him an explanation of why that was so.

The CHAIRMAN. May I say, Mr. Coleman, when you tell us the Communists were very open about their membership at that time, and then can give us the names of only one executed Communist and another one who admits he was a Communist, it does not quite ring true. You see, it follows a pattern; it follows a pattern of men we have had before us, and they have attended Communist meetings and they admit it because they know they will be guilty of perjury and be caught if they do not. But when they start thinking of names of their friends who went to those meetings the only names we get are the names of very well-known Communists. However, you, of course, have a right to your views.

I am going to go over a few of these documents.

Mr. COHN. I have one last question on that point.

When did you disclose to anybody that Mr. Sussman was a Communist?

Mr. COLEMAN. I disclosed it to the FBI, and I don't remember when. I may have mentioned it to classmates of mine at various times, but I don't remember.

Mr. COHN. Did you disclose Mr. Sussman was a Communist before or after you knew that he had named you as one?

Mr. COLEMAN. Before.

Mr. COHN. When?

Mr. COLEMAN. The first time I knew was when you people told me at executive session that he was cooperating with you, and I told you then that I was testifying under oath, and I was well aware of it, and I said that the first time I knew that Susman was cooperating with the Government was at that time.

Mr. COHN. Did you tell the FBI about Sussman at the first interview?

Mr. COLEMAN. I don't remember when I told them.

Mr. COHN. You know you didn't tell them at the first interview?

Mr. COLEMAN. I don't remember.

Mr. COHN. Did the FBI mention Sussman to you at the first interview?

Mr. COLEMAN. I don't recall. I know I told them, and they asked me at some time, in one of those interviews, who I thought were Communists in the City College class, and I told them all I knew.

Mr. COHN. Namely, Rosenberg and Sussman?

Mr. COLEMAN. That is right.

Mr. COHN. Is that right?

Mr. COLEMAN. That is right.

Mr. COHN. And that was not—or you can't tell us whether or not that was at the first interview?

Mr. COLEMAN. That is right.

Mr. COHN. But you are sure at the first interview you did not tell them that Rosenberg had taken you to a meeting of the Young Communist League?

Mr. COLEMAN. That is right.

Mr. COHN. You are sure of that?

Mr. COLEMAN. That is right.

Mr. COHN. I have nothing further.

The CHAIRMAN. Let me see if I have this correctly in mind. Mr. Coleman, you were handling secret material at Fort Monmouth, and you knew that Rosenberg was a Communist and Sussman was a Communist. Did it ever occur to you that you perhaps should, on your own, notify the FBI and tell them that you knew both of those men were Communists? I am curious to know why you waited until along in 1950, or whenever it was that Rosenberg was up for trial, when they came to you and questioned you, they had to come back three times to get the complete story—why you waited until that time, you, a man who was handling secret and top secret material.

Mr. COLEMAN. I did not know Rosenberg was working for the Government, and I didn't know anything about Sussman or Rosenberg, where they were or what they were doing.

The CHAIRMAN. When he was arrested, why did you not contact the FBI and say, "I can give you some information on this man"?

Mr. COLEMAN. I read the newspaper reports, and I realized that they knew he was a Communist, and they indicated that he had been fired in 1945 as a Communist. The only information I had to give was that he was a Communist, and it didn't seem to me that that would add anything.

The CHAIRMAN. We have another document here. See if you can tell us what is in this: "Comparative Technical Characteristics of Various Radar Sets—Secret." Do you know why you had that?

Mr. COLEMAN. I was using that in connection with my work, which was a broad-scale project requiring information on many radar sets.

The CHAIRMAN. Were you writing a report?

Mr. COLEMAN. I had been writing many reports, and I don't remember if I was writing one at that time.

The CHAIRMAN. Then we have another one: "Research Laboratory Special Report." The registry number of it has to do with the radar scanning system, classified "Secret." Do you know how long you had that lying around your apartment?

Mr. COLEMAN. No, sir; I don't. Whatever is in that document that you are reading from is the best information I have.

The CHAIRMAN. And it never occurred to you that with people having access to your apartment, you should not leave secret material lying around in it?

Mr. COLEMAN. I don't remember if it occurred to me in 1946 or not. It has occurred to me since then many, many times.

The CHAIRMAN. Do you think that a man should continue handling secret material when he is found to have removed the material and left it lying around his house?

Mr. COLEMAN. I think—

The CHAIRMAN. Do you think he should be allowed to continue handling secret material?

Mr. COLEMAN. I think if you want to be fair, you should take all of the circumstances into account and make an impartial evaluation, and I have learned recently that that is what was done. I stood on that. I told you in executive session, and I will say it now in public, if it

happened today and I was responsible, I would fire the man. This happened in 1946 when circumstances were entirely different, and the case was investigated as thoroughly as it was under the circumstances, and I don't know how thoroughly.

The CHAIRMAN. Were not the rules and regulations covering secret material the same in 1946 as they were in 1952?

Mr. COLEMAN. The ground rules in the installation were different, quite different.

The CHAIRMAN. You say you would fire a man if you caught him doing this today?

Mr. COLEMAN. I certainly would, and I told you that in executive session, and I repeat it in public.

The CHAIRMAN. In 1946, you say you would not?

Mr. COLEMAN. In 1946, I would have a board investigate all of the circumstances, and why he did it, and what were his motives, and I would weigh the factors as to whether it would be worth while in the national interest to retain him.

The CHAIRMAN. How about in 1949, if you caught a man taking secrets out of the lab, would you fire him?

Mr. COLEMAN. I don't know. I would have to evaluate the circumstances, and I am talking about today in comparison to 1946.

The CHAIRMAN. I am just wondering when conditions changed so radically that now you think a man should be fired for taking secrets out, and in 1946 he should not. I wonder when the conditions were changed.

Mr. COLEMAN. When we realized that Russia is our enemy, and everybody didn't realize that in 1946, and we didn't know, everybody didn't know that the Communists were infiltrating the Government at that time, that a guy sitting next to you might be a Communist. We were fighting a different kind of an enemy, and he didn't use that type of work, and everybody here in this room knows that there is a difference between 1946 and 1953.

The CHAIRMAN. When you went to that meeting, did you not know about their tactics?

Mr. COLEMAN. I was 19 years old, and I was beginning to learn, and I learned at that meeting part of it.

The CHAIRMAN. How about in the 1940's? You admit having taken secret material away in 1943, and we had an enemy then at war with us. You knew our enemy also was trying to steal our secrets. Did you think a man who took secret material away from the laboratory in 1943 should be fired?

Mr. COLEMAN. No, sir, I did not. He was trying to help the war as best he could.

The CHAIRMAN. You say by taking the secret material away, you were trying to help the war as best you could?

Mr. COLEMAN. By using it to fight the radar war, yes, and my whole record bears it out.

The CHAIRMAN. Why did you not return the secret material?

Mr. COLEMAN. What secret material?

The CHAIRMAN. The material you took in 1943.

Mr. COLEMAN. Some of that material, the material that I received at the labs, I was using as a Marine Corps radar officer to fight the war against Japan, and I was a radar officer and I was continuously

cleared for access to radar information. I was using it to fight the war in the Pacific, just as you were, sir.

The CHAIRMAN. To get back from the Pacific, why did you not turn it in then?

Mr. COLEMAN. I was still working on classified work, and I was trying to do the best job I knew how, and this was the way I was doing it. I know that everyone associated with me can testify to the fact that I dedicated myself to my work, and I thought only of that. And this is what I was doing. I have made many substantial contributions to the national interest, and that you yourself reported yesterday in the testimony.

The CHAIRMAN. I reported that you made many contributions?

Mr. COLEMAN. Your chief counsel read from the record what my job description was, and I was working toward that end, to help defend this country, not only against the enemies in wartime but the enemies in the cold war.

The CHAIRMAN. You say that is the reason you kept material, some secret material, as much as 3 years, because you were fighting the enemy? You left it lying around your house.

Mr. COLEMAN. I don't know whether I left it there that long.

The CHAIRMAN. Knowing you were living with a man you thought was a Communist, and you thought you were fighting the enemy by keeping that secret material around.

Mr. COLEMAN. You asked me several questions, Senator, and I am not sure which one you want me to answer.

The CHAIRMAN. You can answer them all.

Mr. COLEMAN. Will you take them one at a time?

The CHAIRMAN. You take them one at a time.

Mr. COLEMAN. Well, all right. As far as I know, the radar information I carried with me, and I used it in connection with my work as a radar officer for the Marine Corps. I served overseas, and I carried other radar information that I received at Marine Corps School at Camp Lejeune at the same time. I was in charge of a number of different radar equipments while I was in the Pacific, and I tried to do the best job I could in wartime. That is the reason I carried the documents with me.

The CHAIRMAN. We have here Study of Automatic Weapons Fire Control Systems, that was produced in June of 1946, marked "Confidential." Do you know how soon you received it after it was produced?

Mr. COLEMAN. No, sir, I do not.

The CHAIRMAN. You know nothing about it?

Mr. COLEMAN. No, sir.

The CHAIRMAN. I assume this had to do with radar fire control.

Mr. COLEMAN. I don't remember what it was specifically concerned with.

The CHAIRMAN. Study of Automatic Weapons Fire Control Systems.

Mr. COLEMAN. That is radar, that is probably radar fire control, reading from that title.

The CHAIRMAN. You say you do not think that material would be of any benefit to the enemy if he had it?

Mr. COLEMAN. Inasmuch as it was only two documents, classified confidential, the rest of the documents wouldn't help him any, since he could get much more from publications.

The CHAIRMAN. Let us clarify the issue in reference to the two documents. You have stated that you removed a number of documents and had them in your apartment and took them back to the plant, and you say you do not know how many of those were classified secret. Is it your testimony now that you can safely give the enemy two documents that are classified as high as confidential without helping him?

Mr. COLEMAN. No, sir, I don't testify to that.

The CHAIRMAN. Then you realize if the enemy received these documents, it would be of great benefit to him?

Mr. COLEMAN. I am in no position to evaluate the benefits which he would get from confidential documents.

The CHAIRMAN. From your work in radar, you have no idea whether this would benefit him or not?

Mr. COLEMAN. Those two confidential documents, which I don't know specifically which they are, I don't know how much benefit it would give him.

The CHAIRMAN. Do you know when the documents that you took in 1943, marked "Secret," were declassified?

Mr. COLEMAN. No, sir, I do not.

The CHAIRMAN. Did you get some of these documents from places other than the lab in which you were working?

Mr. COLEMAN. Yes, sir, I think that I may have gotten 1 or 2.

The CHAIRMAN. Who gave them to you?

Mr. COLEMAN. I think I reported to you that one document I may have received from several people at Watson Laboratories, and I don't remember exactly who.

The CHAIRMAN. You may have received them from whom at Watson?

Mr. COLEMAN. Mr. White.

The CHAIRMAN. How do you spell that?

Mr. COLEMAN. W-h-i-t-e.

The CHAIRMAN. What is his first name?

Mr. COLEMAN. Albert.

The CHAIRMAN. And you say Albert White gave you the secret documents from Watson Laboratory?

Mr. COLEMAN. No, sir. I say he was one of the three who might have given it to me in the course of our work.

The CHAIRMAN. Who are the other two who might have given you the secret documents?

Mr. COLEMAN. It might have been Peter Rosmovsky.

The CHAIRMAN. And the third man?

Mr. COLEMAN. Lester Cornell.

The CHAIRMAN. You say it could not have been anyone else?

Mr. COLEMAN. I don't know. It might have been someone else, and this is the three names that suggest themselves to my memory, and I don't know. It might have been other people, and I do not recollect.

The CHAIRMAN. I think in fairness to these three people who have been named, your testimony is that you have no knowledge they gave you these documents; you say they might have given them to you. Is that correct?

Mr. COLEMAN. That is correct, one of them may have given it to me in the course of our mutual work.

The CHAIRMAN. How far is Watson from the lab in which you were working?

Mr. COLEMAN. About 10 miles.

The CHAIRMAN. Do you recall when you went over to Watson and received this secret document?

Mr. COLEMAN. I don't recall the specific time.

The CHAIRMAN. You do not recall anything about it?

Mr. COLEMAN. No, I don't specifically recall the circumstances surrounding that visit any more than there were probably other visits.

The CHAIRMAN. Do you know if you received other material, other secret material, from Watson Laboratory?

Mr. COLEMAN. I may have, and I don't remember specifically.

The CHAIRMAN. In other words, this was such a common occurrence you would not recall, is that correct?

Mr. COLEMAN. That is right. Many people from the two laboratories interchanged visits, and they would receive material for use in their work.

The CHAIRMAN. Do you know of anyone else who took secret or confidential material from any of the laboratories and kept it in his home?

Mr. COLEMAN. No, sir, I do not know.

The CHAIRMAN. You know of no one else who did that?

Mr. COLEMAN. I don't know of anyone specifically who did.

The CHAIRMAN. Either specifically or unspecifically?

Mr. COLEMAN. No, sir.

The CHAIRMAN. Do you know of anyone?

Mr. COLEMAN. No, sir.

The CHAIRMAN. Do you know of anyone else who went to Young Communist League meetings, still working at Evans?

Mr. COLEMAN. No, sir; I do not.

The CHAIRMAN. Besides the documents you received from Watson Lab and Evans Lab, where else did you acquire others?

Mr. COLEMAN. I received documents in the Marine Corps—some documents were my personal notes, and some documents were technical manuals that I may have received from the Government Printing Office or from some place in the Pentagon where they were made available to Government employees.

The CHAIRMAN. You say you received a few secret documents from the Pentagon?

Mr. COLEMAN. I do not believe they were secret. I believe they were unclassified.

The CHAIRMAN. Let us discuss only the secret and confidential.

Mr. COLEMAN. All right. The secret and confidential documents I believe I got only in the Marine Corps, as far as I can recollect.

The CHAIRMAN. You were not a combat soldier in the Marine Corps; you were working in radar; is that correct?

Mr. COLEMAN. I was in antiaircraft.

The CHAIRMAN. Radar?

Mr. COLEMAN. I was a radar officer with antiaircraft battalions.

The CHAIRMAN. Now we have Watson Lab, Evans Lab. Where else did you get secret material or confidential material?

Mr. COLEMAN. The Marine Corps.

The CHAIRMAN. When I say "Secret" or "Confidential," let us both understand the term. I mean material that was stamped and marked "Secret" or "Confidential." Can you think of any other place?

Mr. COLEMAN. I cannot recollect any other place at the present time.

The CHAIRMAN. How about the Air Corps?

Mr. COLEMAN. Watson Laboratories was Air Force.

The CHAIRMAN. How about the other branches of the Air Corps?

Mr. COLEMAN. I can't recollect receiving any information, and I may have, but I don't remember it.

The CHAIRMAN. Did you get anything from MIT?

Mr. COLEMAN. I don't think I received any information from MIT personally, that is, by a visit. I may have received a report at Evans, but nothing by personal visit to MIT.

The CHAIRMAN. Did you remove any documents from Evans that originated at MIT?

Mr. COLEMAN. You have the thing in front of you, and that is the best of my recollection. I think there was an MIT report.

The CHAIRMAN. I have only the list of the documents they found in your apartment, and you said you removed others.

Mr. COLEMAN. I don't know whether any of those others which I returned were from MIT.

The CHAIRMAN. Was there a typewriter in your apartment?

Mr. COLEMAN. No, sir.

The CHAIRMAN. How did you make the notes when you made notes? Was it by longhand?

Mr. COLEMAN. Yes, sir; longhand.

The CHAIRMAN. And did you at times take classified documents home and make notes from them, and then take the original document back?

Mr. COLEMAN. I don't recollect whether the documents were classified, and the nature of the notes that I made. I cited one instance before.

The CHAIRMAN. I am not asking the nature of the notes. Let us make it simpler, then. Did you ever take a document from the Signal Corps lab to your apartment, or anyplace else, and either photostat it or make notes from it, and then take the document back to the lab?

Mr. COLEMAN. I did not photostat any documents. That is the first question.

The CHAIRMAN. All right.

Mr. COLEMAN. And the second question, as to whether I made notes, I said before that I made notes, but I don't know where I made them; either in the lab or in the apartment. I don't know.

The CHAIRMAN. Do you know at this time whether you ever took any documents home and made notes from the document, and then returned the original documents?

Mr. COLEMAN. I don't remember whether I made notes at my apartment or not.

The CHAIRMAN. Mr. Green, as I stated yesterday, we are referring this to the Department of Justice with a recommendation that it be referred to the grand jury for presentation to the grand jury, No. 1, on perjury. I may say on the question of espionage, we do not have any witnesses to testify that they saw Coleman turn over any material

to an enemy agent. I discussed this with some of the attorneys in the Department of Justice, and there is a difference of opinion as to whether or not removal of classified material and leaving it in a position where it is readily available, to a man whom he thought was a Communist or leaving it readily available to a landlord or landlady whom he does not know, and a roommate—whether that would be a violation of that part of the Espionage Act which is not outlawed by the statute of limitations. The mere removal would, of course, be a violation of the Espionage Act, and the Justice Department has ruled that the statute of limitations has run upon that particular offense. Is that correct?

Mr. COHN. I think the Department of Justice has had that under advisement for some time, Mr. Chairman, and the tentative ruling was that under the facts made out, it would be barred. It would be a violation of one of the sections, but would be barred by the statute of limitations.

The CHAIRMAN. Let us have the record clear on this: The Department, with the information they had, ruled that the violation of the peacetime Espionage Act would be outlawed?

Mr. COHN. By the statute of limitations.

The CHAIRMAN. Yes.

They have not yet ruled on the question—and we are referring this to them specifically after all of the evidence is in—whether or not there was a violation which would be equivalent to turning it over to an enemy agent when he makes it available to an enemy agent, a man whom he thought was a Communist and who now has been proven to be an active Communist at the time, and making it available to any and all comers, in effect, who had a key to his apartment, again in 1946.

Now, I think it is a very close question; I think it is something the Department of Justice attorneys should go into after we have submitted all of the testimony.

Mr. COHN. There are more witnesses.

Mr. GREEN. Senator, you addressed that statement to me.

The CHAIRMAN. Just as a courtesy, I was going to tell you what we intended to do.

Mr. COHN. I wanted to amplify the Senator's point, Mr. Green, and you might want to hear that before you make a comment.

Mr. Chairman, as I understand from what you said yesterday, what we are referring to the Department of Justice—first of all, on the matter of the false statement made to Mr. Reid in 1946, that is, the denial of possession of these documents in his home, which turned out to be an untruthful denial, according to Mr. Reid's testimony, that would be barred by the statute of limitations, and therefore we were not going to refer that, even though if not barred it would be a false statement in a matter pending before a Government agency.

However, we were going to refer, according to what you said, No. 1, the question of false statements made to the Federal Bureau of Investigation in the first interview, and failure to disclose, in response to questions, information concerning the Young Communist League activities of Rosenberg and of himself.

No. 2, the direct contradiction in testimony concerning membership by Mr. Coleman in the YCL, in view of the sworn statement of Mr. Sussman yesterday.

And, No. 3, the direct contradictions in testimony concerning the extent of the association between Mr. Coleman and Julius Rosenberg.

That still leaves open the question of the Sobell matter and the statements made in the recommendations given by Mr. Coleman for Mr. Sobell, and we have not seen an original copy of that yet.

The CHAIRMAN. Mr. Cohn, unless you have a living witness on the Rosenberg association, the record at this time would not be such that you could prove any point?

Mr. COHN. I assume that the Department of Justice is not going to determine that merely on the record we send them. They are going to take that as a start and, with the aid of the FBI investigation, build from there and determine what the facts are. When they have completed a full investigation and talked to all of the people, they will present the matter to the grand jury for a determination.

To answer your last question, Mr. Chairman, we do have Mr. Shoiket and Mr. Sevitsky, who are also named as members of the Young Communist League by Mr. Sussman yesterday. I think Mr. Shoiket is here, but I assume we can't reach him this morning, and I know there is some more material we want to go over with him in executive session. May he appear in executive session in room 357 at 3 o'clock this afternoon, and may Mr. Shoiket and Mr. Sevitsky be heard in open session tomorrow morning?

The CHAIRMAN. And, Mr. Green, I assume that your client will want to be here to hear all of the testimony concerning him. He does not have to be here and he is not being ordered to be here, but he naturally has the right to be here if he cares to listen to the testimony.

Mr. GREEN. Senator, your original statement was addressed to me, insofar as you went, which related to the same matter you mentioned to me in the second executive session; am I correct in that?

The CHAIRMAN. I do not recall what we discussed in the second executive session and what I addressed to you in the second executive session.

Mr. GREEN. I appreciate your courtesy in addressing me, but I think it calls for no reply from me.

The CHAIRMAN. I think that is right.

Mr. COHN. If you and Mr. Coleman decide not to be here, we will be very glad to furnish you promptly with a transcript of the testimony of those witnesses. That will be done.

The CHAIRMAN. It will not be furnished at the committee's expense. If you want a copy of the testimony, you will have to order it from the reporter. The committee is operating on a very close budget, and we cannot pay for that transcript of testimony for you.

(Whereupon, at 1:45 p. m., the hearing was recessed until 10 a. m., Thursday, December 10, 1953.)

APPENDIX

EXHIBITS

No. 4

RELATIVES (Parents, spouse, brothers, sisters - even if deceased)					
RELATION	NAME	ADDRESS	COUNTRY OF BIRTH	PRESENT CITIZENSHIP	
Father	Louis Sobell	600 Trinity Ave., Bronx, NY	Russia	USA	
Mother	Rose Sobell	"	"	"	
Sister	Beverley Sobell	"	USA	"	
Spouse	Helen Sobell	"	"	"	
Stepchild	Sydney Gurewitz	"	"	"	
II EMPLOYMENT (Show every employment you have had since 1935 and account for all periods of unemployment. If a Personnel Security Functionnaire was filled out, indicate this too by a mark in the column headed "PSQ")					
POSITION HELD	NAME OF EMPLOYER AND IMMEDIATE SUPERVISOR	ADDRESS	FROM (Date)	TO (Date)	
Engr.	G.E. Co. - T. Brown	Schenectady, N. Y.	X June '42	June '47	
	School in between - University of Michigan				
Engr.	Navy Dept., Bu. Ord.	Washington, D. C.	X Jan. '39	Sept. '41	
Radio Shl.	Davege City	N. Y. C.	Oct. '38	Jan. '39	
III REFERENCES (Name three persons, not relatives or employers, who have known you for 10 years)					
NAME		ADDRESS	YEARS KNOWN		
Barman Kotlike		1491 Walden Ave., Bronx, N. Y.	20		
Dr. David Jurist		325 E. 60 St., N. Y. C.	25		
Aaron Coleman (a/o O'Hara)		Vreeland Pl., Port-au-Peck, N. J.	12		
TO BE COMPLETED BY A RESPONSIBLE REPRESENTATIVE OF THE EMPLOYER OR GOVERNMENT AGENCY REQUESTING THE INVESTIGATION					
NAME OF EMPLOYER (If a subsidiary, include name of parent company)		ADDRESS			
Sovex Instrument Corporation		715 East 91 Street, N. Y. C.			
IV MENTION OF EMPLOYEE'S DUTIES (If employee will have access to classified material, so state)					
Engineer -- will have access to classified material.					
I CERTIFY the above to be true to the best of my knowledge and belief					
DATE	SIGNATURE OR MARK OF EMPLOYEE	SIGNATURE AND TITLE OF APPROVING AUTHORITY			
6/23/47	<i>Morton Sobell</i>	W. T. Yerxa, Personnel Mgr.			

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to

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

HEARINGS BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

S. Res. 40

PART 3

DECEMBER 10 AND 11, 1953

Printed for the use of the Committee on Government Operations



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1954

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

THURSDAY, DECEMBER 10, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:40 a. m., in the caucus room of the Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Francis P. Carr, executive director; Thomas W. LaVenia, assistant counsel; Daniel G. Buckley, assistant counsel; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. We will proceed.

Mr. Marcel Ullmann.

Will you raise your right hand and be sworn?

In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ULLMANN. I do; yes, sir.

The CHAIRMAN. I may say the staff has been asked to subpoena Mr. Telford Taylor, known as General Taylor, and we have checked with the Civil Service Commission and find that his file has been flagged on loyalty grounds, and we find unusual activities he has engaged in, and we find he has interested himself very greatly in this investigation of espionage at Fort Monmouth. Some of his associations would indicate that he may be able to give us some information of value on that case.

Before calling him, we doublechecked to make sure that his file is flagged and that he is ineligible himself to get a job in any Government agency at this time. I understand he is retired, and we are going to see if he is getting a pension or in what way the Government is supporting him.

TESTIMONY OF MARCEL ULLMANN

The CHAIRMAN. Mr. Ullmann, will you give the reporter your full name?

Mr. ULLMANN. My name is Marcel Ullmann.

The CHAIRMAN. How do you spell that?

Mr. ULLMANN. U-l-l-m-a-n-n.

The CHAIRMAN. You are not working at Fort Monmouth as of today and have not worked there for a number of years; is that correct?

Mr. ULLMANN. Yes, sir.

The CHAIRMAN. When was the last time you worked at Fort Monmouth?

Mr. ULLMANN. I can't recall the exact date.

The CHAIRMAN. The year?

Mr. ULLMANN. It was about 6 years ago I should say, about 1947.

The CHAIRMAN. When did you start working in the Signal Corps lab?

Mr. ULLMANN. Just prior to the outbreak of the war; I believe it was December 1941.

The CHAIRMAN. Would you prefer not having the cameramen there?

Mr. ULLMANN. I guess it doesn't matter, sir.

The CHAIRMAN. In what year did you say?

Mr. ULLMANN. I believe it was December 1941, just prior to Pearl Harbor.

The CHAIRMAN. Now, at the time you were working at Fort Monmouth, up until 1947, were you at any time supplying information to any members of the Rosenberg spy ring?

Mr. ULLMANN. I must decline to answer, sir, on my constitutional rights.

The CHAIRMAN. Do you feel if you were to tell us the truth in answer to that question, that your answer might tend to incriminate you?

Mr. ULLMANN. I know that the Constitution states that a witness may not be compelled or a man may not be compelled to be a witness against himself, and on that basis I must respectfully decline to answer.

The CHAIRMAN. The fifth amendment provides that you need not answer any question if you feel a truthful answer might tend to incriminate you, and I am asking you the simple question now: Do you feel that if you were to truthfully answer that question, the answer might tend to incriminate you?

Mr. ULLMANN. I don't know what application you put to the fifth amendment, sir; I happen to have a copy of the Constitution with me, and may I quote, sir, that the fifth amendment provides—I will take the pertinent part.

The CHAIRMAN. I will not hear any reading by you of the Constitution until I first ask you this question: Do you belong to an organization or have you belonged to an organization which taught the destruction of the Constitution?

Mr. ULLMANN. I must decline to answer on the grounds I have just stated.

The CHAIRMAN. Well, we see this happen every day; we see you Communists come before us and take advantage of a provision of the Constitution which you are trying to destroy. I am going to order you to answer the question unless you will tell me that you feel that a truthful answer in your opinion would tend to incriminate you. That is the only ground upon which you can refuse to answer.

Mr. ULLMANN. Sir, I only know the fact that I can understand, and to me the wording of the fifth amendment is very clear and precise.

The CHAIRMAN. Will you have the record show that the witness on three different occasions has been given the opportunity to tell the Chair whether or not he feels his answer would tend to incriminate

him, and he refuses to answer that simple question, and therefore he has no right to answer the original question on the basis of the fifth amendment. Therefore, you are ordered to answer the question.

Mr. ULLMANN. I repeat, sir, that the Constitution states that no one shall be compelled in any criminal case to be a witness against himself. I must respectfully decline to answer.

The CHAIRMAN. Were you engaged in espionage during the time you were working in the Signal Corps laboratories at Fort Monmouth?

Mr. ULLMANN. I must decline to answer, sir, on the reason previously stated.

The CHAIRMAN. Have you been, as recently as September 15 of this year, in contact with people working at Fort Monmouth, obtaining classified information from them and passing that classified information on to Communist espionage agents?

Mr. ULLMANN. Sir, I must decline to answer that for the reason stated previously.

The CHAIRMAN. Do you feel that a truthful answer might tend to incriminate you?

Mr. ULLMANN. I repeat, sir, I must decline to answer that on the grounds I have stated, that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. You are ordered to answer the question.

Mr. ULLMANN. I repeat, sir, the Constitution states that it is my prerogative not to answer and not to be compelled to answer or be a witness against myself. The Constitution states that a man may not be compelled to be a witness against himself.

The CHAIRMAN. Just so there can be no claim at some future legal proceeding that you did not understand what was going on here, let us have the record clear that you were advised on a number of occasions by this Chair that you were entitled to have legal counsel here, and you were advised we would give you all the time you wanted to get a lawyer; and we gave you an adjournment in New York for that purpose, and you came back without legal counsel. And in view of the fact that you do not have legal counsel here, the Chair has advised you that you have no right to refuse under the fifth amendment of the Constitution unless you first tell the Chair that you feel that your answer might tend to incriminate you.

You have refused to do that, and for that reason the Chair has ordered you to answer. And let us have the record show that the witness persists in his refusal.

I would suggest that you obtain a lawyer, and your case will be submitted to the Senate for contempt action, and I assume that the Justice Department will present it to the grand jury for indictment.

Do you understand, if you have not been engaged in espionage in the last couple of weeks, you could merely say, "No, I was not," and that could not incriminate you? The only basis upon which you can refuse is that the answer would tend to incriminate you.

Let me ask you another question: Did you know Aaron Coleman at the time you were at Fort Monmouth?

Mr. ULLMANN. I must respectfully decline to answer on the grounds I have stated.

The CHAIRMAN. Do you feel that a truthful answer to the question of whether or not you knew Aaron Coleman might tend to incriminate you?

Mr. ULLMANN. I must repeat that the Constitution states that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. You are then ordered to answer the question of whether or not you knew Aaron Coleman at the time you were working at Fort Monmouth.

Mr. ULLMANN. I repeat, sir, that it is my constitutional right not to be a witness against myself.

The CHAIRMAN. Now, Coleman was in here yesterday, and it appears that he had been removing secret and other classified material from the Fort Monmouth and other laboratories, and there is a serious question as to what he was doing with that material. Was any of that material ever given to you for transmission to a Communist espionage agent?

Mr. ULLMANN. I must decline to answer, sir, on the grounds stated.

The CHAIRMAN. Now, Mr. Ullmann, you understand, of course, being a friend of Coleman's when you give that answer, if you are honest in feeling that would incriminate you, you are definitely incriminating Coleman? Do you understand that?

Mr. ULLMANN. You are assuming, sir, that I am a friend of Coleman or that I knew Coleman.

The CHAIRMAN. Are you a friend of Coleman's?

Mr. ULLMANN. Sir, I must decline to answer on the grounds stated.

The CHAIRMAN. Do you feel that if you were to tell us whether or not you were a close friend of Aaron Coleman's, that answer would tend to incriminate you?

Mr. ULLMANN. I am sorry, sir, I must decline to answer again on the grounds stated.

The CHAIRMAN. You are ordered to answer the question then as to whether or not you were a close friend of Aaron Coleman. Will you desist while I am asking the question.

Mr. ULLMANN. I am sorry.

The CHAIRMAN. You are ordered then to answer the question of whether or not you knew Aaron Coleman, for the reason you are not entitled to any fifth-amendment privilege when you refuse to state whether or not you feel the answer would tend to incriminate you.

Mr. ULLMANN. Sir, it is my understanding that the fifth amendment of the Constitution implies no guilt as such, and it is protecting the innocent as well as the guilty, and I am invoking the fifth amendment so that nothing I can say may be in any way testimony against myself.

The CHAIRMAN. No; the Fifth Amendment is for the purpose of providing a man who is guilty of a crime that he need not send himself to jail. If I ask you the question, "Are you a member of the Communist Party today?", if you are not, by saying "No" you cannot be incriminated. You do have the privilege, if you have been engaging in espionage work, as you very obviously have been, you are entitled to refuse to answer, because under our Constitution even though you were trying to destroy it, even though you belonged to an organization for years that has been trying to destroy it, you are still entitled to the protection of that Constitution.

Let us have it very clear when you say, "I refuse to answer because if I were to tell the truth it would incriminate me," you are giving the committee and the country some information. Of course, it cannot be used against you in a criminal trial.

Up until at least 10 days ago, were you on the payroll of the Communist Party?

Mr. ULLMANN. Sir, I decline to answer that question on the grounds that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Do you feel if you were to answer the question as to whether or not up to 10 days ago you were on the payroll of the Communist Party, that that answer might tend to incriminate you?

Mr. ULLMANN. I repeat, sir, that the Constitution provides that a man may not be compelled to be a witness against himself.

The CHAIRMAN. Did you organize a Communist Party unit or cell known as the Shore Club unit of the Communist Party?

Mr. ULLMANN. Sir, I must decline to answer on the grounds that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Do you feel if you were to tell us the truth in answer to that question, the answer might tend to incriminate you?

Mr. ULLMANN. I repeat, sir, that the Constitution provides that a man may not be compelled to be a witness against himself.

The CHAIRMAN. You are then ordered to answer the question of whether or not you organized a unit or cell of the Communist Party known as the Shore Club?

Mr. ULLMANN. I must decline, sir, on the grounds that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Was the purpose of that Shore Club unit of the Communist Party to infiltrate the employees at Fort Monmouth for espionage purposes?

Mr. ULLMANN. Again, sir, I must decline to answer on the grounds that a man cannot be compelled to testify against himself.

The CHAIRMAN. You are ordered to answer unless you inform the Chair that you feel that your answer might tend to incriminate you.

Mr. ULLMANN. I repeat, sir, that the Constitution states that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Where were you born?

Mr. ULLMANN. I was born in Brooklyn.

The CHAIRMAN. What have you against this country?

Mr. ULLMANN. Nothing at all, sir.

The CHAIRMAN. Do you feel that a Communist system of government would be of benefit to this country?

Mr. ULLMANN. No; I don't think I do.

The CHAIRMAN. You are going to incriminate yourself with the Communist Party if you are not careful then.

Do you feel that our system is better than the Communist system?

Mr. ULLMANN. I think it is by far, and there has never been another system like it.

The CHAIRMAN. Do you know that the Communist Party is dedicated to the overthrow of this Government by force and violence?

Mr. ULLMANN. That, sir, I must decline to answer on the grounds that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Did you organize a cell and give speeches at cell meetings, advocating the overthrow of this Government by force and violence and the establishment of a Communist system in this country?

Mr. ULLMANN. I must decline, sir, to answer that on the grounds stated.

The CHAIRMAN. Now, as a matter of fact, you gave any number of speeches to this Communist unit known as the Shore Club, did you not? And in those speeches did you not preach the Communist doctrine, the necessity of the destruction of this Government by force and violence?

Mr. ULLMANN. Sir, I must decline to answer that under the provisions of the fifth, that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. When was the last time you contacted any present employees at Fort Monmouth, N. J., the secret radar laboratories, for the purpose of obtaining information from them?

Mr. ULLMANN. Sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. When was the last time you received money from the Communist Party in connection with your espionage activities?

Mr. ULLMANN. Sir, again I must repeat I must decline to answer that on the grounds stated that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. Do you know a Bob Martin?

Mr. ULLMANN. Beg pardon.

The CHAIRMAN. Do you know a man known as Bob Martin?

Mr. ULLMANN. I must decline to answer that, sir, on the grounds stated.

The CHAIRMAN. As a matter of fact you received secret documents from Bob Martin and you were the courier who transmitted those documents to a member of a Communist espionage group, is not that correct?

Mr. ULLMANN. I must decline to answer that, sir, on the grounds stated, that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. During all of the time you worked in the radar laboratories, were you a member of an espionage group?

Mr. ULLMANN. I must decline to answer that, sir, on the grounds stated, that a man cannot be compelled to be a witness against himself.

The CHAIRMAN. You are ordered to answer the question unless you inform the Chair that you feel that your answer might tend to incriminate you.

Mr. ULLMANN. Again I repeat the Constitution states that a man cannot be compelled to be a witness against himself, and there are no ramification to the statement of the fifth.

The CHAIRMAN. How often did you visit the home of Julius Rosenberg?

Mr. ULLMANN. Sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. How often did you go to the apartment of Aaron Coleman in the year 1946?

Mr. ULLMANN. Again, sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. We have had testimony here that Coleman had in his apartment a sizable number of classified documents in 1946, and Army intelligence raided the apartment and removed some 40, and he testified at times he had other documents which he took to his apartment and returned to the laboratories. During the time that he had any of those secret or confidential documents in his apartment, did you visit the apartment and obtain from him any of those documents or notes from the documents?

Mr. ULLMANN. Again, sir, I must decline to answer on the grounds stated.

The CHAIRMAN. Do you feel if you were to answer that question, the answer might tend to incriminate you?

Mr. ULLMANN. I recognize, sir, that the Constitution states that a man may not be compelled to testify against himself.

The CHAIRMAN. And you feel you would be testifying against yourself?

Mr. ULLMANN. I feel that any answer I may give may be in the nature of testimony against myself.

The CHAIRMAN. In other words, you feel if you were to answer that question it would be testimony against yourself?

Mr. ULLMANN. Sir, I repeat, the Constitution states that a man may not be compelled to testify against himself.

The CHAIRMAN. Will you have the record show the Chair has asked the witness repeatedly whether or not he feels that if he were to answer he would be testifying against himself, that seems to be the formula he repeats; he refuses to tell the Chair whether or not he feels this would be testifying against himself. Therefore he is ordered to answer the question. And I assume you persist in your refusal.

Have the record show that the witness sits mute and makes no answer.

Mr. ULLMANN. I beg pardon. I did not understand that you were addressing that to me, and I thought you were addressing that to one of your aides. Will you kindly repeat the question?

The CHAIRMAN. The reporter will repeat the question.

Mr. ULLMANN. Sir, I feel that my answer to that question would be in the nature of testimony against myself, and as such I must—and I am most reluctant to do so, sir, and I have been right along—however, I must avail myself of the provisions of the fifth amendment which, from what I understand of it, does not imply either guilt or innocence, but protects a man in conditions like these; and I therefore must decline to answer on the grounds stated that a man may not be compelled to be a witness against himself.

The CHAIRMAN. Now you are taking advantage of our Constitution.

Mr. ULLMANN. I am proud of the Constitution, sir.

The CHAIRMAN. Please let me finish.

Mr. ULLMANN. I am sorry.

The CHAIRMAN. You have been taking advantage of our Constitution, and I will ask you this simple question now: Is it not true that you repeatedly appeared before the Communist unit which you helped organized known as the Shore Club, where you personally advocated the destruction of the Constitution and the establishment of a Communist system here by force and violence? Is that correct?

Mr. ULLMANN. Sir, may I state—

The CHAIRMAN. You may just answer that question.

Mr. ULLMANN. That I will—

The CHAIRMAN. Did you or did you not?

Mr. ULLMANN. Sir, I must decline to answer on the grounds stated, but I may remark—

The CHAIRMAN. I will hear no lecture from you if you refuse to answer whether you have made speeches advocating the destruction of the Constitution on which you are relying today.

All of the evidence indicates that you have been active over just as long a period of time as Julius Rosenberg and involved in the same type of filthy activities against your country, the country which has treated you rather well. Rosenberg has been executed, and you are walking the streets free. Do you not feel that if Rosenberg was properly executed, you deserve the same fate?

Mr. ULLMANN. Sir, in answer to that, I would not willingly do harm to this country in any manner. But the question is that a part of the Constitution—I would not overthrow it—and I must decline to answer that question on the grounds stated.

The CHAIRMAN. You say you would not overthrow it. Have you repeatedly given lectures advocating the overthrow of this Government?

Mr. ULLMANN. Sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. At these lectures to the Shore Club and during your solicitation of people to join it, did you not state that it was one of the objectives of that club to infiltrate key spots in the Signal Corps laboratories at Fort Monmouth?

Mr. ULLMANN. Will you repeat that, sir? That is rather lengthy, and I could not follow it.

The CHAIRMAN. The reporter will read it to you.

(Question read by the reporter.)

Mr. ULLMANN. Sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. Did you go to Fort Monmouth within the last month and meet an individual employed there and receive material from him?

Mr. ULLMANN. Sir, I must decline to answer that on the grounds stated.

The CHAIRMAN. You were never suspended or fired from the Signal Corps, were you?

Mr. ULLMANN. I must decline to answer that, sir, on the grounds stated.

The CHAIRMAN. You will be ordered to answer.

Mr. ULLMANN. I must decline.

The CHAIRMAN. That is a matter of record.

Mr. ULLMANN. I beg pardon.

The CHAIRMAN. It is a matter of record whether you were suspended or fired from the Signal Corps and you are ordered to answer.

Mr. ULLMANN. Yes, sir.

The CHAIRMAN. Is the answer yes, you were suspended?

Mr. ULLMANN. I was suspended.

The CHAIRMAN. From the Signal Corps or from the Air Corps? It is actually a fact you were suspended from the Air Corps and not from the Signal Corps, is that correct?

Mr. ULLMANN. That is right.

The CHAIRMAN. You were suspended from your work in the Air Corps, and you then went to work for the Signal Corps, and you never were suspended at the Signal Corps, is that correct?

Mr. ULLMANN. Will you repeat that, sir?

The CHAIRMAN. You worked for the Air Corps for a while and you worked for the Signal Corps for a while, and you voluntarily resigned from the Signal Corps, but you were suspended from your work at the Air Corps, is that correct?

You will be ordered to answer the question.

Mr. ULLMANN. I am trying to follow you, sir.

The CHAIRMAN. Let me ask you this simple question: Were you suspended from your work while you were working for the Air Corps?

Mr. ULLMANN. Yes, sir; I was suspended at the time I was working for the Air Forces.

The CHAIRMAN. Did you voluntarily resign from the Signal Corps or were you suspended at the Signal Corps?

Mr. ULLMANN. Neither, sir. There was a transfer in force from the Signal Corps to the Air Force at the time, and that was previous to that time.

The CHAIRMAN. In other words, you were transferred to another job from the Signal Corps?

Mr. ULLMANN. No, sir; a new laboratory was activated, if I can recall, whether that term is correct, let us assume it is; that is, a new branch of the laboratory was originated under the auspices of the Air Force, and a good number of personnel from the Signal Corps were transferred en masse to the new establishment.

The CHAIRMAN. Just to simplify this, you were working for the Signal Corps, and then you were transferred to Watson Laboratories, which was taken over by the Air Corps, and Watson Laboratories was also doing secret and other classified work. When you were transferred to the Air Corps, the Air Corps suspended you after you were transferred to the Air Corps, is that correct?

Mr. ULLMANN. Well, subsequently, after a considerable period, of 2 years possibly.

The CHAIRMAN. And during all of the time you were working at the Signal Corps laboratories and at Watson Lab, that is the Air Corps lab, were you engaged in espionage and part of an active espionage ring?

Mr. ULLMANN. That, sir, I must decline to answer on the grounds that a man may not be compelled to be a witness against himself.

The CHAIRMAN. Will you give us the names of the other people who belonged to the Shore Club with you?

Mr. ULLMANN. That, sir, I must decline to answer on the grounds stated.

The CHAIRMAN. Do you feel that an answer to that question would tend to incriminate you?

Mr. ULLMANN. I repeat, sir, a man may not be compelled to be a witness against himself.

The CHAIRMAN. You may step down; and you will consider yourself under subpoena, subject to call.

We will call Mr. Shoiket.

Mr. KATZ. May I request that no pictures be taken of my client?

The CHAIRMAN. No pictures will be taken. The rule of the committee is that none will be taken where the witness requests his picture not to be taken.

Mr. KATZ. Thank you very much for the courtesy.

The CHAIRMAN. That includes both the still cameras and the others.

Will the witness stand and raise his right hand?

In the matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHOIKET. Yes, sir, I do.

**TESTIMONY OF HENRY N. SHOIKET (ACCOMPANIED BY HIS
ATTORNEY, SIDNEY L. KATZ, NEW YORK, N. Y.)**

Mr. CARR. Your name is Henry Shoiket?

Mr. SHOIKET. That is correct.

Mr. CARR. How do you spell the last name?

Mr. SHOIKET. S-h-o-i-k-e-t.

Mr. CARR. What is your present address, Mr. Shoiket?

Mr. SHOIKET. It is 1337 - 55th Street, Brooklyn, N. Y.

Mr. CARR. Where are you presently employed?

Mr. SHOIKET. I am presently employed at the Lawson Machinery Corp., New York City.

Mr. CARR. Is that Manhattan?

Mr. SHOIKET. That is correct.

Mr. CARR. What is the address of that place?

Mr. SHOIKET. 426 West 33d Street, and they are manufacturers of papercutting machinery and machinery for the printing industry.

Mr. CARR. They do no Government work at this time?

Mr. SHOIKET. They do no Government work, although some of their machines may have been sold to the Government.

Mr. CARR. Where were you educated, Mr. Shoiket?

Mr. SHOIKET. I was educated in the Brooklyn public schools and then at the College of the City of New York, and subsequently at Penn State College.

Mr. CARR. You were graduated from the College of the City of New York in the class of 1939?

Mr. SHOIKET. That is correct.

Mr. CARR. Were you a classmate of Julius Rosenberg?

Mr. SHOIKET. He went to school at the time that I did, yes, sir.

Mr. CARR. How well did you know Julius Rosenberg?

Mr. SHOIKET. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CARR. Did Julius Rosenberg ever take you to a Young Communist League meeting?

Mr. SHOIKET. I refuse to answer this question.

Mr. CARR. Did you ever join the Young Communist League?

Mr. SHOIKET. I refuse to answer questions of this sort on the grounds of the first amendment as well as the fifth amendment.

Mr. CARR. You never attended a meeting of the Young Communist League?

Mr. SHOIKET. I refuse to answer this question on the same grounds.

Mr. CARR. Did you know Aaron Coleman at CCNY?

Mr. SHOIKET. When his name appeared recently in the newspapers, in my recollection I associated that name with a person who probably went to City College at about the same time as I did, but my recollection is rather vague. I was here at the open hearings yesterday, and his face was even less familiar than the name.

Mr. CARR. He was in your class, but you say now——

Mr. SHOIKET. I think he was, and I am not certain; the name strikes some sort of recollection in my mind, but that is about all.

Mr. CARR. Do you recall now after having seen him that you attended any Young Communist League meetings with him?

Mr. SHOIKET. I have stated to you that I recall only a vague recollection of his name as having occurred to me before, probably when I was at City College.

The CHAIRMAN. You do not recall having attended any Young Communist League meetings with him?

Mr. SHOIKET. I don't recall having had anything to do with Aaron Coleman.

The CHAIRMAN. How about Julius Rosenberg?

Mr. SHOIKET. I refuse to answer regarding any association with Julius Rosenberg on the grounds previously stated.

Mr. CARR. Have you seen Julius Rosenberg since college days?

Mr. SHOIKET. I refuse to answer on the same grounds.

Mr. CARR. Did you see Julius Rosenberg during any period from your college days until his subsequent execution?

Mr. SHOIKET. I refuse to answer that question.

Mr. CARR. At no time?

Mr. SHOIKET. I refuse to answer the question.

Mr. CARR. You at one time worked for the Government?

Mr. SHOIKET. Yes, I did.

Mr. CARR. In what department?

Mr. SHOIKET. I worked for the Navy Department as an engineer.

Mr. CARR. Was that in Brooklyn?

Mr. SHOIKET. In Brooklyn, as well as Mare Island.

Mr. CARR. What were the years of that employment?

Mr. SHOIKET. You will forgive me if I make a mistake of a few months here or there; I think that I worked in the Brooklyn Navy Yard either from the end of 1940 or the beginning of 1941 until about 1943, and then was transferred at the Navy's request to the west coast where I worked until I think 1947 or thereabouts.

The CHAIRMAN. How old were you then?

Mr. SHOIKET. When, sir?

The CHAIRMAN. Let us take 1941.

Mr. SHOIKET. In 1941 that would make me 23 years old.

The CHAIRMAN. Could you tell us why you were deferred from military duty?

Mr. SHOIKET. I was deferred from military duty because of the work that I was doing for the Navy, which the Navy considered to be of service to the war.

The CHAIRMAN. Were you a Communist at that time?

Mr. SHOIKET. I refuse to discuss questions of Communist association on the grounds of the fifth and first amendments.

The CHAIRMAN. The question is: Were you a Communist?

Mr. SHOIKET. I refuse to answer this question, sir.

The CHAIRMAN. On the grounds of self incrimination?

Mr. SHOIKET. Yes, sir.

The CHAIRMAN. Do you feel if you were to answer that question, the answer might tend to incriminate you?

Mr. SHOIKET. I feel that answers to this question may in some remote way incriminate me.

The CHAIRMAN. Might incriminate you?

Mr. SHOIKET. That is correct, sir.

The CHAIRMAN. If you feel it might incriminate you, you can refuse.

Mr. SHOIKET. I don't know the mechanism precisely, but the tendency is there.

The CHAIRMAN. Then you are ordered to answer.

Mr. SHOIKET. Sir, I feel the answer to this question will tend to incriminate me.

Mr. CARR. The work that you were doing, Mr. Shoiket, at the Brooklyn Navy Yard and then later at Mare Island Navy Yard, in California, was that of a classified nature?

Mr. SHOIKET. Let me take that up in two halves, if I may.

Mr. CARR. Well, was it electrical work?

Mr. SHOIKET. Please. You asked a question regarding my work at two places.

Mr. CARR. Tell us about the Brooklyn work.

Mr. SHOIKET. To the best of my recollection perhaps 99.9 percent, if not 100, of the work was of a restricted but not of confidential nature, of no classification higher than restricted. I may be wrong, and there may be a single incident or two when some document appeared which was of higher classification than restricted, but I don't recall it. At the Mare Island Navy Yard I was working on work which involved classifications of confidential.

Mr. CARR. Was there work of a higher classification being performed at either of these places during the time of your employment, to your knowledge?

Mr. SHOIKET. I should think so.

The CHAIRMAN. Did you know any members of the Communist Party who were working at either of the installations you have mentioned?

Mr. SHOIKET. Sir, I refuse to answer questions regarding the Communist Party on the grounds previously stated.

The CHAIRMAN. Did you ever belong to the Bund?

Mr. SHOIKET. I did not.

The CHAIRMAN. You never belonged to the Nazi Party?

Mr. SHOIKET. I did not.

The CHAIRMAN. Did you ever belong to the Communist Party?

Mr. SHOIKET. I refuse to answer any questions regarding Communist association.

The CHAIRMAN. Did a member of the Communist Party help you get your deferment from the Army?

(The witness conferred with his counsel.)

Mr. SHOIKET. Sir, repeat that question?

My deferment from the Army, sir, was obtained by my stating to my draft board exactly the nature of the work that I was doing, and the draft board to my recollection wrote to the Navy, and whoever it is that answered this, I have no knowledge of it. No one helped me obtain my deferment from the Army.

The CHAIRMAN. You received your deferment on the basis the work you were doing was important to the defense of the country?

Mr. SHOIKET. That is correct.

The CHAIRMAN. And you say you don't know of anyone who interceded in your behalf? You merely went down and made your own application for deferment?

Mr. SHOIKET. I filled out the proper questionnaires and everything; it was according to channels and forms as required.

The CHAIRMAN. Did any member of the Communist Party advise you to make this application for deferment?

Mr. SHOIKET. Sir, I was not advised by anyone. This was a form put out by the Selective Service people who requested rather extensive information of a person regarding his domestic record as well as his work record, and on the basis of this I believe they decided that a deferment was to be granted or not.

Mr. CARR. Mr. Shoiket, you were also employed by the Boeing Aircraft Co.?

Mr. SHOIKET. Yes, sir.

Mr. CARR. That was in 1947?

Mr. SHOIKET. I guess that is it, yes.

Mr. CARR. What kind of work did you do at the Boeing Co.?

Mr. SHOIKET. I was working in the vibrations unit.

Mr. CARR. Elimination of vibrations?

Mr. SHOIKET. That is correct.

Mr. CARR. The aircraft company was engaged in the making of jet planes and jet motors?

Mr. SHOIKET. Jet planes and not jet motors.

The CHAIRMAN. Do I understand that you saw the plans in their blueprint stage, plans for the new type of aircraft?

Mr. SHOIKET. I saw those plans which were pertinent to the work I was doing, and I don't think anyone saw extensive plans.

The CHAIRMAN. But you saw some of the blueprints for the plans that were in the drawing-board stage; is that correct?

Mr. SHOIKET. Yes.

Mr. CARR. Mr. Shoiket, following your graduation from the College of the City of New York, you were employed by the Navy at the Brooklyn Navy Yard and then also at the Mare Island Navy Yard and also at the aircraft company, and you had one term of employment for the Sam Tour Co.?

Mr. SHOIKET. Yes, sir.

Perhaps in this record you should also include approximately a month or two that, prior to any of these employments, during which I worked for the board of transportation of the city of New York, if you are after a rather complete record. I worked for the board of transportation of the city of New York as a draftsman, working on the subways.

Mr. CARR. You were a draftsman?

Mr. SHOIKET. This lasted about a month, yes.

Mr. CARR. At the Sam Tour Co. what type of work were you doing?

Mr. SHOIKET. At the Sam Tour Co., I was not doing any classified work. I was a mechanical engineer in charge of a mechanical department which consisted of a machine shop, and some metals testing equipment. We were engaged in routine metals analysis as well as work with sundry legal clients and we investigated why a particular scaffold fell down, or why some ship's equipment failed to function, in legal cases.

Mr. CARR. But the Sam Tour Co. did have some Government subcontracts?

Mr. SHOIKET. Subcontracts, yes, sir; none that I worked on, that I know of, were of a classified nature.

Mr. CARR. So that from the time you left the College of the City of New York and were employed in these various employments which we have listed, we have included them all?

Mr. SHOIKET. I guess so.

Mr. CARR. Up to the present date?

Mr. SHOIKET. Yes, I had a short spell of self-employment, if you are interested in that.

Mr. CARR. So that in all of the time that you were so employed, after leaving the College of the City of New York, had you been in contact with Julius Rosenberg?

Mr. SHOIKET. Say this again?

Mr. CARR. At any of the times, at any time from your leaving the College of the City of New York to the present, to the time of the Rosenbergs' execution, had you been in contact with him?

Mr. SHOIKET. I refuse to answer this question on the grounds previously stated.

Mr. CARR. While you were working for the aircraft company, what plant did you work in?

Mr. SHOIKET. What plant?

Mr. CARR. Yes.

Mr. SHOIKET. The Seattle plant, plant 3.

The CHAIRMAN. That was for Boeing Aircraft Co.?

Mr. SHOIKET. Yes.

The CHAIRMAN. I think the record is clear on this, but just so there is no question, in the course of your work you did see the blueprints for the proposed new jet planes while they were still in the drawing-board stage?

Mr. SHOIKET. I have explained that I saw blueprints of small sections of the planes or those sections which pertained to the work on which I was working.

The CHAIRMAN. You were concerned with vibration work, and did not that require that you see the entire plan of the plane?

Mr. SHOIKET. If you are speaking of—well, let us put it this way: The sections on which I worked were rather widespread through the airplane, all right, sir.

The CHAIRMAN. Let us not be coy about this.

Mr. SHOIKET. I saw plans pertaining to the airplane.

The CHAIRMAN. To the entire plane?

Mr. SHOIKET. I cannot speak for the entire plane, and I don't know exactly what was left out. And how can you ask me whether what I saw was complete or not? I don't know.

The CHAIRMAN. You apparently are a much better engineer than I am.

Mr. SHOIKET. If you will ask me the details, I will be glad to tell you whether I saw something.

The CHAIRMAN. Just a moment. You apparently are an expert engineer, and I know a little about engineering. You being a vibration engineer, can you tell us how you can conceivably do your job unless you could see the plan for the entire plane? How can you do your vibration work unless you see the entire plane?

Mr. SHOIKET. Can I expand on this for a second or so?

The CHAIRMAN. Yes.

Mr. SHOIKET. A picture or plan of an airplane in its bare outlines means nothing. What is necessary in any particular problem is detailed information regarding particular section of it. For example, when I was engaged in problems of engine installation, I knew considerable, and I had to know, on the details in which the engines were going to be installed, and so on.

I might have known something about the structure details of certain portions of the airplane, and I would certainly not know anything about, for example, the fire-control apparatus or many of the other items which would be involved. An airplane is a combination of very specialized fields.

The CHAIRMAN. If your task was to eliminate potential vibration in a new-model aircraft, it was necessary, among other things, that you would know how much weight the plane was carrying, where the weight would be carried, and the size of the plane, and the wing-spread, and the horsepower of the motors, and the type of motor; isn't that necessary?

Mr. SHOIKET. Some of these items you have listed, and in fact a majority of them, yes.

The CHAIRMAN. So that at the time when you refused to tell us whether you were a member of the Communist Party, you were working on the plans for the plane, and nothing was kept secret from you? It was necessary that you know practically everything about the new type of aircraft, wasn't it?

Mr. SHOIKET. I beg to differ with you, sir. There are many things which I did not know about this aircraft. However, those things which were pertinent to my job, of course, I knew.

The CHAIRMAN. Did you see Morton Sobell at any of the times that you were working on classified work for the Government?

Mr. SHOIKET. I refuse to answer this question on the grounds previously stated.

The CHAIRMAN. Self-incrimination?

Mr. SHOIKET. The fifth amendment; yes, sir.

The CHAIRMAN. Do you have any brothers or sisters?

Mr. SHOIKET. I have not.

The CHAIRMAN. You have none?

Mr. SHOIKET. None.

The CHAIRMAN. Your wife is not working for the Government?

Mr. SHOIKET. She is not.

The CHAIRMAN. I believe you were asked the question: Are you a member of the Communist Party as of this moment?

Mr. SHOIKET. I will not answer those questions, sir.

The CHAIRMAN. On the grounds of the fifth amendment?

Mr. SHOIKET. The fifth and the first amendments.

The CHAIRMAN. You have already been asked whether you ever belonged. Have you contributed part of your salary to the Communist Party?

Mr. SHOIKET. I will not answer any questions, sir, regarding the Communist Party, for the same reasons.

The CHAIRMAN. There is no blanket refusal. You must refuse separately, and you can only refuse on the basis of self-incrimination. You are refusing on that ground?

Mr. SHOIKET. I am refusing because such answers may tend to incriminate me.

The CHAIRMAN. You may step down.

Mr. SHOIKET. Sir, may I say that you have not asked me——

The CHAIRMAN. Officer, will you remove this man?

Take him out. I want no speech from any man who refuses to tell whether he is trying to destroy this Nation.

(The guard removed the witness.)

The CHAIRMAN. He can make his speech outside if he wants to.

Mr. Sam Snyder.

Is Mr. Sam Snyder here?

Have the record show that Mr. Snyder appeared before the committee in executive session in New York, and I do not have the dates. We will get the dates later. He was then informed he was under continuing subpoena, and he was sent a wire on November 24, ordering him to appear on November 25 in New York, and he refused to appear at that time.

He was sent a wire yesterday, ordered to appear this morning, and he is not here; and a wire went to his lawyer, Leonard Boudin, to inform Snyder to appear, and it was sent yesterday, and it has been established that Mr. Boudin received the wire. For that reason Mr. Snyder's case will be referred to the Justice Department for contempt also. First, it will be presented to the full committee and then to the Senate.

I may say Mr. Snyder's case is of considerable interest in that he had been ordered suspended as a result of the work of the FBI and the G-2 at Fort Monmouth. The Pentagon board ordered him reinstated prior to 1953, and Mr. Snyder takes the fifth amendment in regard to Communist activities. This was all known to the board in the Pentagon who ordered him reinstated, and that points up the importance of getting the names of the board members who sat in these various cases of Communists.

Mr. Adams, have you had an opportunity of taking this up with the Secretary? Here you have Snyder a fifth amendment case, and the Pentagon board ordered him reinstated; and I feel it is imperative

to this investigation that we call those board members and find out why that was done. Have you had a chance to take that up?

Mr. ADAMS. I have not.

The CHAIRMAN. I wish that you would take that up. And Mr. Snyder's case will be referred for contempt.

Incidentally, do we have a list of the cases being referred for contempt, either referred to the Justice Department for perjury or contempt? I think we should read that list into the record.

Mr. Morris Savitt?

Will you have the officer call his name outside the door so that there can be no claim that he was waiting outside?

We will also have that done with the name of the previous witness, Snyder.

Have the record show that Mr. Snyder's name was called both inside the room and outside of the door, as well as Morris Savitt's name. Savitt is under subpoena and was ordered to appear, and he is also a client of Mr. Boudin.

Mr. Joseph Perkoff.

Mr. Perkoff, I understand, is not here either, and Perkoff was subpoenaed also and his attorney was notified yesterday concerning the appearance, and he has been under a continuing subpoena. No excuse has been given for his failure to appear?

Mr. CARR. No, sir.

The CHAIRMAN. How about Mr. Boudin's clients, was any excuse given?

Mr. CARR. Mr. Boudin said this morning that he would not have them here.

The CHAIRMAN. So the record will be complete as to who Perkoff is, Perkoff is a close friend of Harry Hyman, and Hyman was before the committee in public session in New York, and at that time there was introduced into the record a vast number of telephone calls that Hyman has been making right up until the date of the hearing to various installations handling secret and other classified work, and Hyman has been identified as an undercover espionage agent before the committee. Perkoff was head of a union at Fort Monmouth and has been accused in connection with Communist activities and alleged espionage activities, and he has taken the fifth amendment before the committee.

I believe under the circumstances, Mr. Carr, without wasting any time with these people, we have their testimony, we will take the executive testimony and make that part of the public record and make sure that all three of these cases are submitted to the full committee and to the Senate and to the Justice Department for contempt action.

If we cannot have some of these people who take the fifth amendment prosecuted for espionage, perhaps we can have them prosecuted for contempt.

Does that conclude your witnesses?

Mr. CARR. Yes; it does.

The CHAIRMAN. That will conclude the hearing for today, and we will recess until 10:30 tomorrow morning.

(Whereupon, at 11:50 a. m., the subcommittee recessed, to reconvene at 10:30 a. m. Friday, December 11, 1953.)

ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

FRIDAY, DECEMBER 11, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:30 a. m., in the caucus room of the Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Francis P. Carr, executive director; Daniel G. Buckley, assistant counsel; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

Mr. Joseph Percoff. Will you raise your right hand, Mr. Percoff, and be sworn?

In the matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PERCOFF. I do.

TESTIMONY OF JOSEPH H. PERCOFF

The CHAIRMAN. Will counsel identify himself for the record?

Mr. GOLDITCH. Leonard E. Golditch, 25 Broad Street, New York City.

The CHAIRMAN. How does counsel spell his name?

Mr. GOLDITCH. G-o-l-d-i-t-c-h.

The CHAIRMAN. I understand the reason that your client didn't appear yesterday was that he felt that he did not have sufficient time to discuss the matter with his attorney and have counsel here. Is that correct?

Mr. GOLDITCH. No; that is not correct. The reason for it was that I received a call from Mr. Buckley of your committee, about a quarter to 6 at night as I was leaving my office, and it was impossible for me to reach Mr. Percoff by 11 o'clock that night.

The CHAIRMAN. Did not Mr. Percoff receive his wire in the morning?

Mr. GOLDITCH. No; he received no wire. As a matter of fact, the only wire he received was one yesterday afternoon, after I had spoken by telephone with Mr. Buckley, of your committee.

The CHAIRMAN. But what is his address?

Mr. GOLDITCH. 274 Madison Avenue. As a matter of fact, the telegram is marked Washington, D. C., 3:37 p. m., on December 10.

The CHAIRMAN. So you did not receive a wire the day before or yesterday?

Mr. GOLDITCH. That is right. Otherwise, Mr. Percoff would have been present and testified.

The CHAIRMAN. You have presented a reasonable excuse.

Mr. GOLDITCH. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Percoff, we have had——

Mr. GOLDITCH. Mr. Chairman, before you start the questioning——

The CHAIRMAN. May I say the rule of the committee, adopted unanimously, is that we do not hear from counsel. If the witness has anything to say we will be glad to hear from him.

Mr. GOLDITCH. It is a preliminary objection. If you will remember, Mr. Chairman, when we were in executive session——

The CHAIRMAN. Mr. Counsel, it is a rule that I did not make, it is a rule adopted by the committee unanimously——

Mr. GOLDITCH. Thank you very much.

The CHAIRMAN. By the seven members of the committee, that counsel would not be heard from, but that we would hear from the witness. I should perhaps give you the reason for that, and this is no reflection upon you personally, you understand. But from past experience, from the experience that Judge Medina has had in his court, for example, it was found that oftentimes the Communist attorneys of Communist witnesses would engage in delaying and hedging tactics. We decided not to let that happen before this committee.

Mr. GOLDITCH. I assume that is not a reflection upon anybody here this morning.

The CHAIRMAN. It is not a reflection upon you or your client. It is merely a general reason for the adoption of the rule. For that reason, anything your client may want to say we will be glad to hear, but not from counsel.

Mr. PERCOFF. In that event, Mr. Chairman, I would like to renew the objections my counsel made at the closed hearing to this inquiry and my being here.

The CHAIRMAN. A little louder, please; I cannot hear you.

Mr. PERCOFF. I said I would like to renew the objections my counsel made at the executive session at which I appeared, this hearing, and to the inquiry and to my being here.

The CHAIRMAN. We understand your objection. The objection will be overruled.

Mr. Percoff, you are here this morning because of testimony in regard to your activities while you were at the Fort Monmouth Signal Corps and since you have left. The charges made against you by other witnesses are of a very serious nature. You have a chance to deny those this morning or to affirm them if you care to. We will go over them in detail.

No. 1, your name as of today is Joseph H. Percoff; is that right?

Mr. PERCOFF. That is correct.

The CHAIRMAN. P-e-r-c-o-f-f?

Mr. PERCOFF. That is right.

The CHAIRMAN. Address, 274 Madison Avenue?

Mr. PERCOFF. That is my office address. My home address is 1840 Phaelen Place, New York City.

The CHAIRMAN. Were you ever known by the name of Joseph Herbert?

(The witness conferred with his counsel.)

Mr. PERCOFF. In view of the statement just made by the Chairman, in view of the statements made at the executive session at which I appeared, at which I was advised that this is an inquiry into Communist activities at Fort Monmouth—

The CHAIRMAN. And espionage.

Mr. PERCOFF. And espionage, I will have to refuse to answer that question on the grounds that in the first place I consider it my duty to refuse to answer any question concerning Communist activities or Communist political activities, as an attack upon the rights guaranteed by the Constitution, the right of free speech, the right to be heard and to hear, the right to publish and to read what one pleases, the right to assembly and to associate with whomever one pleases, and guaranteed under the first amendment. I also refuse to answer the question on the ground that I believe that inquiry of this sort is a violation of the 9th amendment and 10th amendment which limits Congress' power insofar as its rights are concerned to those specified in the Constitution, and I also refuse to answer the question on the ground that—

The CHAIRMAN. Yes?

Mr. PERCOFF. That this inquiry is an attempt to establish a procedure by which ex officio oaths are extracted from witnesses which has been barred under the fifth amendment and also on the grounds that the witnesses cannot be compelled to testify against themselves as stated in the fifth amendment.

The CHAIRMAN. If you feel that your answer might tend to incriminate you, you are entitled to refuse, otherwise you will be ordered to answer. Do you feel that an answer to the question of whether or not you were known as Joseph Herbert would tend to incriminate you?

(The witness conferred with his counsel.)

Mr. PERCOFF. I would like to object to the ruling of the Chair on the grounds that there isn't a quorum of the committee here, and that as a member of one, as a committee of one, the chairman does not have the right to rule on these questions but only a majority has. The chairman under this situation only has the right to interrogate witnesses.

The CHAIRMAN. You are ordered to answer the question unless you inform the Chair that you feel that your answer would tend to incriminate you.

Mr. PERCOFF. I have already answered the question. And I refuse to answer it on the ground that the fifth amendment prohibits a witness to be compelled to answer against himself.

The CHAIRMAN. Have the record show that the Chair has given the witness ample opportunity, and still gives him the opportunity, to tell the Chair that he feels his answer would tend to incriminate him. He refuses to do so. He has been ordered to answer the question. He persists in his refusal to answer the question.

I will ask him another question: Was your alias in the—

(The witness conferred with his counsel.)

The CHAIRMAN. May I have the witness' attention?

Would the witness care to hear the question before he consults with counsel?

Mr. PERCOFF. If the chairman pleases, I am concerning myself with your first question.

The CHAIRMAN. With the previous question. All right.
(The witness conferred with his counsel.)

Mr. PERCOFF. Mr. Chairman, I would like to state my objection to the ruling of the Chair, but if the Chair insists on me answering the question in the manner he has put it, I feel I have already answered the question. I refuse——

The CHAIRMAN. You may state your objection.

Mr. PERCOFF. What is that?

The CHAIRMAN. You may state your objection. I thought you had, but you may state it again.

Mr. PERCOFF. I feel I have already answered the question. I still refuse to answer on the grounds that the question may tend to incriminate me.

The CHAIRMAN. Then the order the Chair previously made that you answer the question is withdrawn. You are entitled to refuse if you feel the answer would tend to incriminate you.

Let me ask you this question: Have you ever used an alias as a member of the Communist Party, while attending Communist meetings?

Mr. PERCOFF. I refuse to answer that question on all the grounds that I have previously stated, each and every one of them.

The CHAIRMAN. Just so we need not go through this every time, whenever you refuse, am I correct in assuming you are refusing on the grounds, among your other grounds, that the answer might tend to incriminate you?

Mr. PERCOFF. Among all the grounds, each and every ground that I already stated.

The CHAIRMAN. And the self-incrimination ground is included?

Mr. PERCOFF. It seems to me that my language was clear.

The CHAIRMAN. I am not arguing with you. I am asking a simple question so we can save time.

Mr. PERCOFF. You are only making me repeat answers to questions that have already been answered.

The CHAIRMAN. I am trying to avoid this constant repetition by asking if I can assume that each time you refuse to answer one of the reasons for your refusal is that you feel your answer might tend to incriminate you.

Mr. PERCOFF. That is correct.

The CHAIRMAN. All right, we can save some time.

Is it correct that your Communist Party card number was 17342?

Mr. PERCOFF. I refuse to answer that on all the previous grounds that I have already stated.

The CHAIRMAN. You worked for the Signal Corps during what period of time?

Mr. PERCOFF. I refuse to answer that question on the same grounds that I have already stated.

The CHAIRMAN. Did you engage in any illegal activities while working for the Signal Corps?

Mr. PERCOFF. That question, Mr. Chairman——

(The witness conferred with his counsel.)

Mr. PERCOFF. That question, Mr. Chairman, assumes that I have worked for the Signal Corps. I have never testified to that fact.

However, if the question were asked me whether I ever committed espionage, my answer would be "no."

The CHAIRMAN. We will get to that.

During the years 1942 to 1945, were you engaged in any illegal operations in connection with your work?

(The witness conferred with his counsel.)

Mr. PERCOFF. I refuse to answer that on the same grounds that I have already stated.

The CHAIRMAN. Then, of course, you are entitled to refuse to tell us whether you worked for the Signal Corps in view of the fact that you refuse to state whether or not you were engaged in illegal activities while there. The answer would be incriminating. Normally, you would not be allowed to answer that way.

The record shows, Mr. Carr, does it not, that this man worked for the Signal Corps until sometime in 1945?

Mr. CARR. Yes, sir.

The CHAIRMAN. And he was not separated but resigned; is that correct?

Mr. CARR. He transferred to the Watson Laboratory and then he left Watson Laboratory in March of 1945.

The CHAIRMAN. And he left there voluntarily, does the record show, the Watson Laboratory?

Mr. CARR. Yes, sir.

The CHAIRMAN. Now, Mr. Percoff, did you ever engage in any illegal activities in connection with the Communist Party, or any members of the Communist Party?

Mr. PERCOFF. I refuse to answer that question on the same grounds I have already stated.

The CHAIRMAN. Did you ever discuss any classified Government work with any member of the Communist Party?

Mr. PERCOFF. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. You will be ordered to answer. So counsel understands the ruling of the Chair, the witness has volunteered the information that he has not been engaged in espionage. Therefore, he has waived the fifth amendment insofar as the field of espionage is concerned. If he gave secret material to members of the Communist Party, that could be espionage. He will be ordered to answer the question.

Mr. PERCOFF. Mr. Chairman, I might point out that you asked me if I recall the question, you asked me if I ever turned over any classified materials—I don't know whether those are the correct words—to Communists. As far as the Communist inquiry is concerned. I have already stated my position, that I will not answer any question that opens the door to any inquiry into political activities of any nature.

The CHAIRMAN. We are not talking about political activities now, we are speaking about espionage against this country. You are ordered to answer the question. And you have waived the fifth amendment in the field of espionage when you volunteered the information that you have not engaged in espionage. We are now questioning you in regard to your espionage activities.

Mr. PERCOFF. Well, if the chairman—

(The witness conferred with his counsel.)

Mr. PERCOFF. I object to the chairman's ruling first on the grounds I have already stated, in that the chairman is sitting here alone, and a majority of the committee is not present, and further on the ground that the question interrelates itself and interlocks itself with Communist activity, and that if this committee will exclude inquiry into political activity, including Communist activity from its inquiry, I will be glad to answer all questions insofar as espionage is concerned.

The CHAIRMAN. You are ordered to answer the question and you refuse?

Mr. PERCOFF. I still refuse.

The CHAIRMAN. During the last 90 days, have you been in contact with individuals at Fort Monmouth who had access to classified material?

(The witness conferred with his counsel.)

Mr. PERCOFF. I refuse to answer that question on the grounds that I previously mentioned.

The CHAIRMAN. You are ordered to answer the question.

Mr. PERCOFF. I make the same objections to the chairman's ruling and I still refuse to answer.

The CHAIRMAN. This committee has the authority to investigate into espionage activities where it concerns the safety of this country. You have been named as an espionage agent. You have been named as a Communist. Your Communist Party card number is 17342. Your name in the Communist Party is Joseph Herbert. You have been in contact with people handling secret material at Fort Monmouth. We intend to go into that. You have no protection of the fifth amendment in view of the fact that you have denied espionage.

Therefore, you are asked the question, did you not have direct contact with individuals handling classified material at Fort Monmouth as late as September 1953, and did you not get material from them and pass it on to other members of the Communist Party? That is a very simple question. You have been accused of that. If that is not true, you simply say "no." If it is true, of course you are not entitled to the protection of the fifth amendment. You waived your privilege.

(The witness conferred with his counsel.)

The CHAIRMAN. You are ordered to answer the question.

Mr. PERCOFF. I refuse to answer that question on all the grounds I have previously mentioned.

The CHAIRMAN. Just so there can be no question in the record, you deny that you engaged in espionage?

Mr. PERCOFF. Would you repeat the question, please?

The CHAIRMAN. Do you deny that you engaged in espionage?

Mr. PERCOFF. I do.

The CHAIRMAN. Did you ever take part in a conspiracy to commit espionage?

(The witness conferred with his counsel.)

Mr. PERCOFF. I do.

The CHAIRMAN. You do what?

(The witness conferred with his counsel.)

The CHAIRMAN. The question is did you ever engage.

Mr. PERCOFF. I never was guilty of conspiring in espionage.

The CHAIRMAN. Did you obtain classified material from people at Fort Monmouth and pass that on to members of the Communist Party?

Mr. PERCOFF. I refuse to answer that question on the grounds that I have previously stated.

The CHAIRMAN. That would be espionage.

Mr. PERCOFF. That would also be Communist activities.

The CHAIRMAN. You denied espionage, you have waived your fifth amendment privilege.

Mr. PERCOFF. I still refuse to answer the question on the same grounds I have already mentioned.

The CHAIRMAN. You can build up as many counts as you care to. Have you been active in organizing a Communist cell known as the Walt Whitman Club?

Mr. PERCOFF. I refuse to answer that question on the grounds I have previously stated.

The CHAIRMAN. Did you give speeches at the Walt Whitman Club, the Communist cell, where you announced the purpose of organizing that club was to infiltrate Fort Monmouth laboratories with Communists?

Mr. PERCOFF. I refuse to answer that question on the ground already stated.

The CHAIRMAN. Did you, at the Shore Club, or Shore Branch, of the Communist Party, also known as the Walt Whitman Club, discuss or hear discussed, by Communists, secret work being done at the Fort Monmouth radar laboratories?

Mr. PERCOFF. I refuse to answer that question on the grounds already stated.

The CHAIRMAN. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. PERCOFF. I object to the ruling, as I previously objected to the other rulings at this hearing.

The CHAIRMAN. And you still refuse to answer the question, I assume?

Mr. PERCOFF. That is correct.

The CHAIRMAN. While you were working at either the Army Signal Corps radar laboratories or the Air Corps lab at Watson, or the Air Corps Watson Laboratories, I should say, were you at any time transmitting to the Communist Party, or people known to you to be espionage agents, any classified material that you were handling?

Mr. PERCOFF. I refuse to answer that question on the grounds I have already stated.

The CHAIRMAN. You are ordered to answer the question.

Mr. PERCOFF. I make the same objections and still refuse to answer them.

The CHAIRMAN. I assume that you understand the reason why you are ordered to answer the question? Just so there can be no claim at a future legal proceeding that you didn't know what we were doing here, you are being ordered to answer the question because it involves the field of espionage. You have stated that you have not engaged in espionage. Therefore, you have waived the fifth amendment privilege in regard to espionage.

Mr. PERCOFF. I also understand that this inquiry goes to the question of Communist and political activities and any question relating to Fort Monmouth or anybody connected with Fort Monmouth would open the door to those questions, and I refuse to answer any questions concerning that.

(The witness conferred with his counsel.)

The CHAIRMAN. I just want to make sure you understood the ruling.

When did you last see Aaron Coleman?

Mr. PERCOFF. If you are referring to—

(The witness conferred with his counsel.)

Mr. PERCOFF. I refuse to answer that question on the same grounds I have already mentioned.

The CHAIRMAN. Do you feel if you answered that question the answer might tend to incriminate you?

Mr. PERCOFF. On each and every ground that I have already stated.

The CHAIRMAN. Does it include that ground?

Mr. PERCOFF. That is correct.

The CHAIRMAN. You are entitled to refuse. Did you know Harry Hyman?

Mr. PERCOFF. Will you repeat the question, please?

The CHAIRMAN. Will the reporter read the question?

(The reporter read from his notes as requested.)

Mr. PERCOFF. I refuse to answer that question on the grounds I have already stated.

The CHAIRMAN. Did you know Marcel Ullmann?

Mr. PERCOFF. I refuse to answer that question on the same grounds.

The CHAIRMAN. As a matter of fact, you, Hyman and Ullmann have been engaged in obtaining secret material from the Fort Monmouth Laboratories and transmitting the information on to people known to you to be part of an espionage ring, is that not correct?

Mr. PERCOFF. I refuse to answer that question on the same grounds I have already stated.

The CHAIRMAN. Do you feel that a truthful answer to that question would tend to incriminate you?

Mr. PERCOFF. I have already answered the question, Mr. Chairman.

The CHAIRMAN. Do you feel that a truthful answer would tend to incriminate you? You understand, you are not entitled to refuse if you feel that perjury—

Mr. PERCOFF. I understand—

The CHAIRMAN. Please. You understand you are not entitled to refuse if you believe that perjury would become an issue. I will ask you the question if you feel a truthful answer to that question would tend to incriminate you?

Mr. PERCOFF. I have already answered the question. I refuse to answer on all the grounds that I have already mentioned, including the fifth amendment which prohibits compulsory testimony from a witness and protects a witness from testifying against himself.

The CHAIRMAN. Do you feel that a truthful answer to the question which I have just asked you would tend to incriminate you?

Mr. PERCOFF. I have given all the grounds that I have.

The CHAIRMAN. Do you feel that a truthful answer to the question would tend to incriminate you?

Mr. PERCOFF. I repeat the same answer.

The CHAIRMAN. Have the record show that the witness has refused to tell the Chair whether or not he feels that a truthful answer would tend to incriminate him. He is therefore ordered to answer the question.

So there can be no doubt about the question: Mr. Reporter, will you read it to him?

(The reporter read from his notes as requested.)

Mr. PERCOFF. I refuse to answer that question on all the grounds I have previously stated, each and every one of them, and also object to the chairman's ruling on all the grounds I have already stated.

The CHAIRMAN. Unless you inform the Chair whether or not you feel that a truthful answer would tend to incriminate you, you are ordered and your answer stands.

Mr. PERCOFF. I have already given my answer, Mr. Chairman.

The CHAIRMAN. All right. Maybe some of you Communists, engaged in espionage, will remove yourselves from circulation by contempt proceedings, even though you may be clever, clever enough to cover up your illegal activities. You may go ahead and build up counts against yourselves.

When you worked at the Air Corps laboratories, did you ever transmit secret information to individuals known to you to be espionage agents?

Mr. PERCOFF. I refuse to answer that question on all the grounds I have previously stated.

The CHAIRMAN. Have the record show the witness is ordered to answer.

I assume you refuse?

Mr. PERCOFF. I refuse—I still refuse to answer on all the grounds previously stated and on the same objections I have already stated.

The CHAIRMAN. Did you, on February 7, 1945, at the time you were being transferred to Watson Laboratories, inform someone whom you thought at that time to be a member of the Communist Party, that you were being transferred to Watson Laboratories, that you were being transferred there at the behest of the Communist Party, and you would be able to obtain valuable information from Watson Laboratories? The date is February 7, 1945.

Mr. PERCOFF. I refuse to answer that question on all of the grounds that I have previously stated, each and every one of them.

The CHAIRMAN. Have the record show the witness is ordered to answer.

Mr. PERCOFF. I still refuse to answer on all the grounds I have previously stated and make all the objections that I have previously made to the chairman's ruling.

The CHAIRMAN. I understand.

Are you a lawyer, Mr. Percoff?

Mr. PERCOFF. That is correct.

The CHAIRMAN. Are you admitted to practice before any Government agencies?

Mr. PERCOFF. What was the question?

The CHAIRMAN. Have you been admitted to practice before any Government agencies?

(The witness conferred with his counsel.)

Mr. PERCOFF. No.

The CHAIRMAN. Have you been admitted to practice before the Federal courts?

(The witness conferred with his counsel.)

Mr. PERCOFF. No.

The CHAIRMAN. New York State courts?

Mr. PERCOFF. Yes.

The CHAIRMAN. Where did you go to law school?

Mr. PERCOFF. St. Johns Law School in Brooklyn, N. Y.

The CHAIRMAN. When did you graduate?

Mr. PERCOFF. I believe it was 1935.

The CHAIRMAN. You belong to what bar association now?

Mr. PERCOFF. I belong to the Bronx Bar Association.

The CHAIRMAN. The Bronx Bar Association?

Mr. PERCOFF. And the National Lawyers Guild.

The CHAIRMAN. And the National Lawyers Guild.

Who is the president of the Bronx Bar Association?

Mr. PERCOFF. I don't know.

The CHAIRMAN. Frank, I wonder if you would have the president of the Bronx Bar Association notified of this testimony. I do not think it will be necessary to notify the National Lawyers Guild.

I think that is all. You may step down. You are informed that you are under continuing subpoena, and for the benefit of counsel, who is here, I will now inform you that this man's case also will be referred, first to the committee with a recommendation that he be held in contempt, and it will then be referred to the Senate, assuming that the committee agrees with me, with the recommendation that his case go to the Justice Department and the grand jury for indictment on all of the counts of contempt where it involves his refusal to answer questions covering the subject of espionage. The Chair is of the opinion he has waived the fifth amendment insofar as the field of espionage is concerned. You may step down.

Mr. GOLDITCH. Mr. Chairman, did you say the subpoena continues?

The CHAIRMAN. Yes.

Mr. GOLDITCH. Is that subject to 24 hours recall?

The CHAIRMAN. Yes, 24 hours.

Mr. GOLDITCH. I think you ought to ask Mr. Buckley to at least give us that much notice.

The CHAIRMAN. I may say the wire was sent to Mr. Percoff yesterday morning. Why it was not delivered, I do not know. But we will take his word for it.

Mr. GOLDITCH. We responded to that telegram, Mr. Chairman.

The CHAIRMAN. The wire was sent the day before yesterday, ordering him to appear yesterday. If it was not delivered, that is not his fault. We will take his word for the fact it was not delivered. He is entitled to 24 hours notice.

Mr. GOLDITCH. Thank you very much, Mr. Chairman.

The CHAIRMAN. I think this record should show that I have just been informed that Judge Pine this morning denied an application for a restraining order by attorneys against this committee. The attorneys who appeared were David Rein and Victor Rabinowitz, who appeared in behalf of—you read those names.

Mr. CARR. Leonard Mins, Silvia Berke, Sidney Glassman, Ernest Pataki, Morris Savitt, Dianna and Benjamin Wolman.

The CHAIRMAN. And for the record, I think it should be clear that all of these individuals have been named as Communists by the committee. Some of them have been named as having taken part in espionage activities. The application was to obtain the judge's order to prevent these witnesses being called before the committee. That application was denied by Judge Pine this morning.

I merely mention that so the attorneys representing some of the other witnesses will be fully informed of it. I think this shows the vigor and the length to which the Communist Party will go in an attempt to keep their members from appearing before this committee.

Who is your next witness?

Mr. CARR. Louise Sarant.

The CHAIRMAN. Mrs. Sarant, will you raise your right hand? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mrs. SARANT. I do.

**TESTIMONY OF LOUISE SARANT, ACCOMPANIED BY HER COUNSEL,
JULIAN C. TRUPIN, NEW YORK, N. Y.**

The CHAIRMAN. Your name is Louise Sarant?

Mrs. SARANT. That is correct.

The CHAIRMAN. And your husband's name?

(The witness conferred with her counsel.)

The CHAIRMAN. What is your husband's name, Mrs. Sarant?

Mrs. SARANT. I am not married.

The CHAIRMAN. Pardon.

Mrs. SARANT. I am not married.

The CHAIRMAN. Then please give your former husband's name. What is your former husband's name?

Mrs. SARANT. I refuse to answer under the protection that the fifth amendment gives me, in that a witness may not be compelled to testify against himself.

The CHAIRMAN. Would counsel identify himself for the record?

Mr. TRUPIN. Julian C. Trupin, 217 Broadway, New York City.

The CHAIRMAN. I wonder if you would give the reporter your phone number, in case we should want to get in touch with your clients.

Mr. TRUPIN. Courtland 7-0553.

The CHAIRMAN. Mrs. Sarant, were you ever present when your husband, Joel Barr, and Julius Rosenberg were discussing plans concerning espionage against the United States?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You feel that your answer might tend to incriminate you?

Mrs. SARANT. As I understand it, the fifth amendment protects the innocent.

The CHAIRMAN. You feel your answer might tend to incriminate you?

Mrs. SARANT. Since——

(The witness conferred with her counsel.)

Mrs. SARANT. Since that is the interpretation that the committee insists upon, I will agree to that.

The CHAIRMAN. We do not insist on it. We do not know. You are the person who feels whether or not the answer would tend to incriminate you. If you feel it would, you are entitled to answer. Otherwise you will be ordered to answer.

(The witness conferred with her counsel.)

Mrs. SARANT. I don't believe that is a valid interpretation of the fifth amendment. However, I will accept it.

The CHAIRMAN. I am not asking you to accept anything. I am asking you a simple question. Do you feel it would incriminate you if you tell us whether or not you were present while espionage against your country was being discussed. Do you feel that that answer would tend to incriminate you?

Mrs. SARANT. I do.

The CHAIRMAN. All right.

Now, for your information let me inform you as to the testimony heretofore taken. You will have a chance to deny this, if you care to. The testimony is that your husband, Mr. Al Sarant, worked in the Signal Corps laboratories at Fort Monmouth in the early 1940's, that he was engaged in espionage at that time, he was part of the Rosenberg spy ring, that he continued his contacts with people at Fort Monmouth for a considerable period of time after he left there, and that he continued to engage in espionage. The evidence indicates you were present and heard espionage discussed. If you were not present and never heard these people plot against this country, you simply say "No, I did not hear it." If you were present, of course you are entitled to refuse, because the answer would incriminate you.

(The witness conferred with her counsel.)

Mrs. SARANT. Are you stating now that I so testified?

The CHAIRMAN. No; I was giving a résumé of the testimony against you, so that you will have a chance to deny it, if it is untrue.

(The witness conferred with her counsel.)

The CHAIRMAN. Do you claim any of that testimony is untrue?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Where is Mr. Al Sarant today?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Do you know where he is today?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You understand he is a fugitive being sought, do you not?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Did you refuse to give the FBI any information as to where Al Sarant is?

(The witness conferred with her counsel.)

Mrs. SARANT. I am sorry; what was the beginning of your question?

The CHAIRMAN. Will you read the question to the witness?

(The reporter read from his notes as requested.)

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Were you born in this country?

(The witness conferred with her counsel.)

Mrs. SARANT. Yes, I was.

The CHAIRMAN. Are you a member of the Communist Party as of today?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Do you receive money from the Communist Party?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Do you understand the question? The question is, Are you a paid member of the Communist Party?

Mrs. SARANT. I understand the question, and I refuse to answer under the fifth amendment.

The CHAIRMAN. How many brothers and sisters do you have?

(The witness conferred with her counsel.)

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You are ordered to answer.

(The witness conferred with her counsel.)

Mrs. SARANT. I don't have any brothers or sisters.

The CHAIRMAN. Why did you feel it would incriminate you to tell us that?

(The witness conferred with her counsel.)

Mrs. SARANT. Can you wait for a minute, please?

The CHAIRMAN. Yes. Consult your counsel to any extent you care to.

(The witness conferred with her counsel.)

The CHAIRMAN. Are you ready to answer the question now?

Mrs. SARANT. Because of the general line of questioning of this committee and the implications and the innuendoes in the questions, I hesitated to answer the question as to whether I had brothers or sisters or how many, whatever it was, because—

The CHAIRMAN. As a matter of fact, there were two people who have passed as your brothers in the Communist Party, who actually were not your brothers; isn't that the actual situation?

Mrs. SARANT. May I finish saying what I was saying before you interrupted me?

The CHAIRMAN. I want to ask you to answer that question. I want to ask you is it not a fact—

Mrs. SARANT. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. Let me finish the question, please. Is it not a fact that in attending Communist Party meetings, two men used to attend with you and they posed as your brothers?

Mrs. SARANT. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. Where are those two men now?

Mrs. SARANT. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. What are their names?

Mrs. SARANT. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. You have no legitimate brothers and sisters; is that correct?

Mrs. SARANT. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. Do you have any legitimate brothers and sisters? You are ordered to answer that question.

Mrs. SARANT. No; I do not.

The CHAIRMAN. You do not. Can you tell us why you passed those two men off as your brothers?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Were they espionage agents?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Has Aaron Coleman ever visited your home?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. In 1947 did Coleman visit your home on several occasions?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Have you, yourself, ever participated in a conspiracy to commit espionage?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Where does your father work?

(The witness conferred with her counsel.)

Mrs. SARANT. Would you repeat that question, please?

The CHAIRMAN. I said where does your father work.

Let me phrase it this way, then: Does your father work for the Government?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You will be ordered to answer it.

(The witness conferred with her counsel.)

Mrs. SARANT. On what ground?

The CHAIRMAN. Pardon?

Mrs. SARANT. On what ground am I ordered to answer that question?

The CHAIRMAN. On the ground that you are entitled to no fifth-amendment protection in that question.

(The witness conferred with her counsel.)

Mrs. SARANT. I refuse to answer the question because of the nature of this investigation, which apparently attempts to tie me up with relatives that don't exist and all sorts of fantastic, ridiculous situations.

The CHAIRMAN. You may think it is fantastic to bring people here who engaged in espionage against their country. We don't. We think it is rather important to expose the spies, the saboteurs working against the country, the country that is supporting them. You appear here and refuse to give us any information and you in the past refused to give the FBI the information about a fugitive who has violated the espionage act. That means that you are equally guilty with him. I now ask you, Is your father working for the Government?

(The witness conferred with her counsel.)

Mrs. SARANT. Are you insisting that I answer that question even though I raised the fifth amendment—

The CHAIRMAN. I am ordering you to answer it.

(The witness conferred with her counsel.)

Mrs. SARANT. All right, then. He is not working for the Government.

The CHAIRMAN. Where is he working?

(The witness conferred with her counsel.)

Mrs. SARANT. I refuse to answer the question because I feel this committee is attempting to drag people into this investigation who are in no way related to the purpose of this investigation.

The CHAIRMAN. If that is the ground of your refusal, you are ordered to answer.

(The witness conferred with her counsel.)

Mrs. SARANT. Since you insist upon my answering despite my objections—

The CHAIRMAN. Yes?

Mrs. SARANT. Would you repeat the question, please?

The CHAIRMAN. I will be glad to. Where is your father working?

Mrs. SARANT. My father is working in Ithaca. He is an attorney.

The CHAIRMAN. An attorney in New York?

Mrs. SARANT. Ithaca, N. Y.

The CHAIRMAN. Is he a member of the Communist Party?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You are entitled to refuse to answer that.

Mrs. SARANT. What did you say?

The CHAIRMAN. Were you present—I said you were entitled to refuse to answer it.

Mrs. SARANT. Thank you.

The CHAIRMAN. Were you present at a restaurant on 34th Street in New York City with your husband, and Joel Barr, and William Perl on an occasion when Joseph Levitsky brought Carl Greenblum to that restaurant, the purpose of the meeting being to look over Greenblum and decide whether or not he would make a suitable member of your ring? I may say for your information, that is the evidence before the committee at this time.

Mrs. SARANT. Would you repeat the question, please?

The CHAIRMAN. Would you read the question to the witness, Mr. Reporter?

(The reporter read from his notes as requested.)

(The witness conferred with her counsel.)

Mrs. SARANT. It is quite a complicated question.

I refuse to answer under the fifth amendment.

The CHAIRMAN. Do you know Mr. Greenblum?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. The witness is informed that she will remain under continuing subpoena. We may or may not want her back before the committee. I do not know. Counsel will be notified if she is wanted.

I am not sure if we asked you this question or not: Were you, yourself, engaged in espionage?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. While your husband worked at the Signal Corps Laboratories, was he part of the Rosenberg spy ring?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Do you know a Mr. Hyman Yamins?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. Did Vivian Glassman ever attend any meetings that were attended by Mr. Rosenberg and by you and your husband?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. How about Joseph Levitsky?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. I believe you have already refused to answer as to William Perl?

Mrs. SARANT. I refuse to answer under the fifth amendment.

The CHAIRMAN. You may step down.

Mr. TRUPIN. May I suggest to the chairman that if this witness is desired again, that I be notified at the same time, so that there won't be this delay of about a day?

The CHAIRMAN. If it is satisfactory, we will notify you and try to give you at least 48 hours' notice.

Mr. TRUPIN. Thank you very much.

The CHAIRMAN. The committee will now go into executive session in room 357. The public hearing is adjourned until Monday morning at 10:30 at the Federal Building, Foley Square, New York.

(Whereupon, at 11:45 a. m., the committee was recessed, to reconvene at 10:30 a. m., Monday, December 14, 1953, in the Federal Building, Foley Square, New York.)

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